

Calendar No. 544

106TH CONGRESS
2D SESSION**S. 2550**

To authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2000

Mr. WARNER, from the Committee on Armed Services, reported, under authority of the order of the Senate of May 11th, 2000, the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Defense
5 Authorization Act for Fiscal Year 2001”.

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1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

2 For purposes of this Act, the term “congressional de-
3 fense committees” means—

- 4 (1) the Committee on Armed Services and the
- 5 Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Army as follows:

(1) For aircraft, \$1,749,662,000.

(2) For missiles, \$1,382,328,000.

(3) For weapons and tracked combat vehicles, \$2,115,138,000.

(4) For ammunition, \$1,224,323,000.

(5) For other procurement, \$4,068,570,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Navy as follows:

(1) For aircraft, \$8,745,958,000.

(2) For weapons, including missiles and torpedoes, \$ 1,479,950,000.

(3) For shipbuilding and conversion, \$12,900,076,000.

(4) For other procurement, \$3,378,311,000.

1 (b) MARINE CORPS.—Funds are hereby authorized to
2 be appropriated for fiscal year 2001 for procurement for
3 the Marine Corps in the amount of \$1,181,035,000.

4 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
5 are hereby authorized to be appropriated for fiscal year
6 2001 for procurement of ammunition for the Navy and
7 the Marine Corps in the amount of \$496,749,000.

8 **SEC. 103. AIR FORCE.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 2001 for procurement for the Air Force as fol-
11 lows:

12 (1) For aircraft, \$9,968,371,000.

13 (2) For ammunition, \$666,808,000.

14 (3) For missiles, \$3,005,915,000.

15 (4) For other procurement, \$7,724,527,000.

16 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2001 for Defense-wide procurement in the
19 amount of \$2,184,608,000.

20 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

21 Funds are hereby authorized to be appropriated for
22 fiscal year 2001 for procurement for the Inspector General
23 of the Department of Defense in the amount of
24 \$3,300,000.

1 **SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.**

2 There is hereby authorized to be appropriated for fis-
3 cal year 2001 the amount of \$1,003,500,000 for—

4 (1) the destruction of lethal chemical agents
5 and munitions in accordance with section 1412 of
6 the Department of Defense Authorization Act, 1986
7 (50 U.S.C. 1521); and

8 (2) the destruction of chemical warfare materiel
9 of the United States that is not covered by section
10 1412 of such Act.

11 **SEC. 107. DEFENSE HEALTH PROGRAMS.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2001 for the Department of Defense for pro-
14 curement for carrying out health care programs, projects,
15 and activities of the Department of Defense in the total
16 amount of \$290,006,000.

17 **Subtitle B—Army Programs**

18 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**
19 **CERTAIN PROGRAMS.**

20 (a) **AUTHORITY.**—Beginning with the fiscal year
21 2001 program year, the Secretary of the Army may, in
22 accordance with section 2306b of title 10, United States
23 Code, enter into multiyear contracts for procurement of
24 the following:

25 (1) M2A3 Bradley fighting vehicles.

26 (2) UH–60L Blackhawk helicopters.

1 (3) CH-60S Seahawk helicopters.

2 (b) LIMITATION FOR BRADLEY FIGHTING VEHI-
 3 CLES.—The period for a multiyear contract entered into
 4 under subsection (a)(1) may not exceed the three consecu-
 5 tive program years beginning with the fiscal year 2001
 6 program year.

7 (c) REPEAL OF SUPERSEDED AUTHORITY.—Section
 8 111 of the National Defense Authorization Act for Fiscal
 9 Year 2000 (Public Law 106-65; 113 Stat. 531) is amend-
 10 ed by striking paragraph (2).

11 **SEC. 112. REPORTS AND LIMITATIONS RELATING TO ARMY**
 12 **TRANSFORMATION.**

13 (a) REPORT ON OBJECTIVE FORCE DEVELOPMENT
 14 PROCESS.—The Secretary of the Army shall submit to the
 15 congressional defense committees a report on the process
 16 for developing the objective force in the transformation of
 17 the Army. The report shall include the following:

18 (1) The operational environments envisioned for
 19 the objective force.

20 (2) The threat assumptions on which research
 21 and development efforts for transformation of the
 22 Army into the objective force are based.

23 (3) The potential operational and organizational
 24 concepts for the objective force.

1 (4) The key performance parameters antici-
2 pated for the objective force and the operational re-
3 quirements anticipated for the operational require-
4 ments document of the objective force.

5 (5) The schedule of Army transformation activi-
6 ties through fiscal year 2012, together with—

7 (A) the projected funding requirements
8 through that fiscal year for the research and
9 development activities and the procurement ac-
10 tivities;

11 (B) the specific adjustments that are made
12 for Army programs in the future-years defense
13 program and in the extended planning program
14 in order to program the funding necessary to
15 meet the funding requirements for Army trans-
16 formation; and

17 (C) a summary of the anticipated invest-
18 ments of the Defense Advanced Research
19 Projects Agency in programs designed to lead
20 to the fielding of future combat systems for the
21 objective force.

22 (6) The joint warfighting requirements that will
23 be supported by the fielding of the objective force,
24 together with a description of the adjustments that
25 are planned to be made in the war plans of the com-

1 manders of the regional unified combatant com-
2 mands in relation to the fielding of the objective
3 force.

4 (7) The changes in lift requirements that result
5 from the establishment and fielding of the combat
6 brigades of the objective force.

7 (8) The evaluation process that will be used to
8 support decisionmaking on the course of the Army
9 transformation, including a description of the oper-
10 ational evaluations and experimentation that will be
11 used to validate the key performance parameters as-
12 sociated with the objective force and the operational
13 requirements for the operational requirements docu-
14 ment of the objective force.

15 (b) REPORTS ON MEDIUM ARMORED COMBAT VEHI-
16 CLES FOR THE INTERIM BRIGADE COMBAT TEAMS.—(1)
17 The Secretary of the Army shall develop and carry out
18 a plan for comparing—

19 (A) the costs and operational effectiveness of
20 the medium armored combat vehicles selected for the
21 infantry battalions of the interim brigade combat
22 teams; and

23 (B) the costs and operational effectiveness of
24 the medium armored vehicles currently in the Army
25 inventory for the use of infantry battalions.

1 (2) The plan shall provide for the costs and oper-
2 ational effectiveness of the two sets of vehicles to be deter-
3 mined on the basis of the results of an operational analysis
4 that involves the participation of at least one infantry bat-
5 talion that is fielded with medium armored vehicles cur-
6 rently in the Army inventory and is similar in organization
7 to the infantry battalions of the interim brigade combat
8 teams.

9 (3) The Director of Operational Test and Evaluation
10 of the Department of Defense shall review the plan devel-
11 oped under paragraph (1) and submit the Director's com-
12 ments on the plan to the Secretary of the Army.

13 (4) Not later than February 1, 2001, the Secretary
14 of the Army shall submit to the congressional defense com-
15 mittees a report on the plan developed under paragraph
16 (1). The report shall include the following:

17 (A) The plan.

18 (B) The comments of the Director of Oper-
19 ational Test and Evaluation on the plan.

20 (C) A discussion of how the results of the oper-
21 ational analysis are to be used to guide future deci-
22 sions on the acquisition of medium armored combat
23 vehicles for additional interim brigade combat teams.

24 (D) The specific adjustments that are made for
25 Army programs in the future-years defense program

1 and in the extended planning program in order to
2 program the funding necessary for fielding the in-
3 terim brigade combat teams.

4 (5)(A) Not later than March 1, 2002, the Secretary
5 of the Army shall submit to the congressional defense com-
6 mittees a report on the results of the comparison of costs
7 and operational effectiveness of the two sets of medium
8 armored combat vehicles under paragraph (1).

9 (B) The report under subparagraph (A) shall include
10 a certification by the Secretary of Defense regarding
11 whether the results of the comparison would support the
12 continuation in fiscal year 2003 and beyond of the acquisi-
13 tion of the additional medium armored combat vehicles
14 proposed to be used for equipping the interim brigade
15 combat teams.

16 (c) LIMITATIONS.—(1) Not more than 60 percent of
17 the amount appropriated for the procurement of armored
18 vehicles in the family of new medium armored vehicles
19 pursuant to the authorization of appropriations in section
20 101(3) may be obligated until the date that is 30 days
21 after the date on which the Secretary of the Army submits
22 the report required under subsection (b)(4) to the congres-
23 sional defense committees.

24 (2) Not more than 60 percent of the funds appro-
25 priated for the Army for fiscal year 2002 for the procure-

1 ment of armored vehicles in the family of new medium
2 armored combat vehicles may be obligated until the date
3 that is 30 days after the date on which the Secretary of
4 the Army submits the report required under subsection
5 (b)(5) to the congressional defense committees.

6 (d) DEFINITIONS.—In this section:

7 (1) The term “transformation”, with respect to
8 the Army, means the actions being undertaken to
9 transform the Army, as it is constituted in terms of
10 organization, equipment, and doctrine in 2000, into
11 the objective force.

12 (2) The term “objective force” means the Army
13 that has the organizational structure, the most ad-
14 vanced equipment that early twenty-first century
15 science and technology can provide, and the appro-
16 priate doctrine to ensure that the Army is respon-
17 sive, deployable, agile, versatile, lethal, survivable,
18 and sustainable for the full spectrum of the oper-
19 ations anticipated to be required of the Army during
20 the early years of the twenty-first century following
21 2010.

22 (3) The term “interim brigade combat team”
23 means an Army brigade that is designated by the
24 Secretary of the Army as a brigade combat team
25 and is reorganized and equipped with currently

1 available equipment in a configuration that effec-
 2 tuates an evolutionary advancement toward trans-
 3 formation of the Army to the objective force.

4 **Subtitle C—Navy Programs**

5 **SEC. 121. CVNX-1 NUCLEAR AIRCRAFT CARRIER PROGRAM.**

6 (a) AUTHORIZATION OF SHIP.—The Secretary of the
 7 Navy is authorized to procure the aircraft carrier to be
 8 designated CVNX-1.

9 (b) ADVANCE PROCUREMENT AND CONSTRUCTION.—
 10 The Secretary may enter into one or more contracts for
 11 the advance procurement and advance construction of
 12 components for the ship authorized under subsection (a).

13 (c) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—
 14 Of the amounts authorized to be appropriated under sec-
 15 tion 102(a)(3) for fiscal year 2001, \$21,869,000 is avail-
 16 able for the advance procurement and advance construc-
 17 tion of components (including nuclear components) for the
 18 CVNX-1 aircraft carrier program.

19 **SEC. 122. ARLEIGH BURKE CLASS DESTROYER PROGRAM.**

20 (a) ECONOMICAL MULTIYEAR PROCUREMENT OF
 21 PREVIOUSLY AUTHORIZED VESSELS AND ONE ADDI-
 22 TIONAL VESSEL.—(1) Subsection (b) of section 122 of the
 23 National Defense Authorization Act for Fiscal Year 1997
 24 (Public Law 104-201; 110 Stat. 2446), as amended by
 25 section 122(a) of Public Law 106-65 (113 Stat. 535), is

1 further amended by striking “a total of 18 Arleigh Burke
 2 class destroyers” in the first sentence and all that follows
 3 through the period at the end of that sentence and insert-
 4 ing “Arleigh Burke class destroyers in accordance with
 5 this subsection and subsection (a)(4) at procurement rates
 6 not in excess of 3 ships in each of the fiscal years begin-
 7 ning after September 30, 1998, and before October 1,
 8 2005. The authority under the preceding sentence is sub-
 9 ject to the availability of appropriations for such destroy-
 10 ers.”.

11 (2) The heading for such subsection is amended by
 12 striking “18”.

13 (b) ECONOMICAL RATE OF PROCUREMENT.—It is the
 14 sense of Congress that, for the procurement of the Arleigh
 15 Burke class destroyers to be procured after fiscal year
 16 2001 under multiyear contracts authorized under section
 17 122(b) of Public Law 104–201—

18 (1) the Secretary of the Navy should—

19 (A) achieve the most economical rate of
 20 procurement; and

21 (B) enter into such contracts for advance
 22 procurement as may be necessary to achieve
 23 that rate of procurement;

24 (2) the most economical rate of procurement
 25 would be achieved by procuring 3 of the destroyers

1 in each of fiscal years 2002 and 2003 and procuring
2 another destroyer in fiscal year 2004; and

3 (3) the Secretary has the authority under sec-
4 tion 122(b) of Public Law 104–201 (110 Stat.
5 2446) and subsections (b) and (c) of section 122 of
6 Public Law 106–65 (113 Stat. 534) to provide for
7 procurement at the most economical rate, as de-
8 scribed in paragraph (2).

9 (c) UPDATE OF 1993 REPORT ON DDG–51 CLASS
10 SHIPS.—(1) The Secretary of the Navy shall submit to
11 the Committees on Armed Services of the Senate and the
12 House of Representatives, not later than November 1,
13 2000, a report that updates the information provided in
14 the report of the Secretary of the Navy entitled the
15 “Arleigh Burke (DDG–51) Class Industrial Base Study
16 of 1993”. The Secretary shall transmit a copy of the up-
17 dated report to the Comptroller General not later than the
18 date on which the Secretary submits the report to the
19 committees.

20 (2) The Comptroller General shall review the updated
21 report submitted under paragraph (1) and, not later than
22 December 1, 2000, submit to the Committees on Armed
23 Services of the Senate and House of Representatives the
24 Comptroller General’s comments on the updated report.

1 **SEC. 123. VIRGINIA CLASS SUBMARINE PROGRAM.**

2 (a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—

3 Of the amounts authorized to be appropriated by section
4 102(a)(3) for fiscal year 2001, \$1,711,234,000 is available
5 for the Virginia class submarine program.

6 (b) CONTRACT AUTHORITY.—(1) The Secretary of
7 the Navy is authorized to enter into a contract for the
8 procurement of up to five Virginia class submarines, in-
9 cluding the procurement of material in economic order
10 quantities when cost savings are achievable, during fiscal
11 years 2003 through 2006. The submarines authorized
12 under the preceding sentence are in addition to the sub-
13 marines authorized under section 121(b) of the National
14 Defense Authorization Act for Fiscal Year 1998 (Public
15 Law 105–85; 111 Stat. 1648).

16 (2) A contract entered into under paragraph (1) shall
17 include a clause that states that any obligation of the
18 United States to make a payment under this contract is
19 subject to the availability of appropriations for that pur-
20 pose.

21 (c) SHIPBUILDER TEAMING.—Paragraphs (2)(A),
22 (3), and (4) of section 121(b) of Public Law 105–85 apply
23 to the procurement of submarines under this section.

24 (d) LIMITATION OF LIABILITY.—If a contract en-
25 tered into under this section is terminated, the United
26 States shall not be liable for termination costs in excess

1 of the total of the amounts appropriated for the Virginia
2 class submarine program that remain available for the
3 program.

4 (e) REPORT REQUIREMENT.—At that same time that
5 the President submits the budget for fiscal year 2002 to
6 Congress under section 1105(a) of title 31, United States
7 Code, the Secretary of Defense shall submit to the con-
8 gressional defense committees a report on the Navy's fleet
9 of fast attack submarines. The report shall include the fol-
10 lowing:

11 (1) A plan for maintaining at least 55 fast at-
12 tack submarines in commissioned service through
13 2015, including, by 2015, 18 Virginia class sub-
14 marines.

15 (2) Two assessments of the potential savings
16 that would be achieved under the Virginia class sub-
17 marine program if the production rate for such pro-
18 gram were at least two submarines each fiscal year,
19 as follows:

20 (A) An assessment if that were the produc-
21 tion rate beginning in fiscal year 2004.

22 (B) An assessment if that were the produc-
23 tion rate beginning in fiscal year 2006.

24 (3) An analysis of the advantages and disadvan-
25 tages of various contracting strategies for Virginia

1 class submarine program, including one or more
2 multiyear procurement strategies and one or more
3 strategies for block buy with economic order quan-
4 tity.

5 **SEC. 124. ADC(X) SHIP PROGRAM.**

6 Notwithstanding any other provision of law, the Sec-
7 retary of the Navy may procure the construction of all
8 ADC(X) class ships in one shipyard if the Secretary deter-
9 mines that it is more cost effective to do so than to pro-
10 cure the construction of such ships from more than one
11 shipyard.

12 **SEC. 125. REFUELING AND COMPLEX OVERHAUL PROGRAM**
13 **OF THE CVN-69 NUCLEAR AIRCRAFT CAR-**
14 **RIER.**

15 (a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—
16 Of the amount authorized to be appropriated by section
17 102(a)(3) for fiscal year 2001, \$703,441,000 is available
18 for the commencement of the nuclear refueling and com-
19 plex overhaul of the CVN-69 aircraft carrier during fiscal
20 year 2001. The amount made available in the preceding
21 sentence is the first increment in the incremental funding
22 planned for the nuclear refueling and complex overhaul of
23 the CVN-69 aircraft carrier.

24 (b) CONTRACT AUTHORITY.—The Secretary of the
25 Navy is authorized to enter into a contract during fiscal

1 year 2001 for the nuclear refueling and complex overhaul
 2 of the CVN-69 nuclear aircraft carrier before full funding
 3 for the contract is available and to provide for the per-
 4 formance of the contract to begin.

5 **Subtitle D—Air Force Programs**

6 **SEC. 131. REPEAL OF REQUIREMENT FOR ANNUAL REPORT** 7 **ON B-2 BOMBER AIRCRAFT PROGRAM.**

8 Section 112 of the National Defense Authorization
 9 Act for Fiscal Years 1990 and 1991 (Public Law 101–
 10 189; 103 Stat. 1373), as amended by section 141 of Pub-
 11 lic Law 104–106 (110 Stat. 213), is repealed.

12 **Subtitle E—Other Matters**

13 **SEC. 141. PUEBLO CHEMICAL DEPOT CHEMICAL AGENT** 14 **AND MUNITIONS DESTRUCTION TECH-** 15 **NOLOGIES.**

16 (a) LIMITATION.—In determining the technologies to
 17 be used for the destruction of the stockpile of lethal chem-
 18 ical agents and munitions at Pueblo Chemical Depot, Col-
 19 orado, whether under the assessment required by section
 20 141(a) of the National Defense Authorization Act for Fis-
 21 cal Year 2000 (Public Law 106–65; 113 Stat. 537; 50
 22 U.S.C. 1521 note), the Assembled Chemical Weapons As-
 23 sessment, or any other assessment, the Secretary of De-
 24 fense may consider only the following technologies:

25 (1) Incineration.

1 (2) Any technologies demonstrated under the
2 Assembled Chemical Weapons Assessment on or be-
3 fore May 1, 2000.

4 (b) ASSEMBLED CHEMICAL WEAPONS ASSESSMENT
5 DEFINED.—As used in subsection (a), the term “Assem-
6 bled Chemical Weapons Assessment” means the pilot pro-
7 gram carried out under section 8065 of the Department
8 of Defense Appropriations Act, 1997 (section 101(b) of
9 Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C.
10 1521 note).

11 **TITLE II—RESEARCH, DEVELOP-** 12 **MENT, TEST, AND EVALUA-** 13 **TION**

14 **Subtitle A—Authorization of** 15 **Appropriations**

16 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2001 for the use of the Department of Defense
19 for research, development, test, and evaluation as follows:

20 (1) For the Army, \$5,461,946,000.

21 (2) For the Navy, \$8,665,865,000.

22 (3) For the Air Force, \$13,927,836,000.

23 (4) For Defense-wide activities,
24 \$11,275,202,000, of which \$223,060,000 is author-

1 ized for the Director of Operational Test and Eval-
 2 uation.

3 **SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.**

4 (a) FISCAL YEAR 2001.—Of the amounts authorized
 5 to be appropriated by section 201, \$4,702,604,000 shall
 6 be available for basic research and applied research
 7 projects.

8 (b) BASIC RESEARCH AND APPLIED RESEARCH DE-
 9 FINED.—For purposes of this section, the term “basic re-
 10 search and applied research” means work funded in pro-
 11 gram elements for defense research and development
 12 under Department of Defense category 6.1 or 6.2.

13 **Subtitle B—Program Require-**
 14 **ments, Restrictions, and Limita-**
 15 **tions**

16 **SEC. 211. FISCAL YEAR 2002 JOINT FIELD EXPERIMENT.**

17 (a) REQUIREMENTS.—The Secretary of Defense shall
 18 carry out a joint field experiment in fiscal year 2002. The
 19 Secretary shall ensure that the planning for the joint field
 20 experiment is carried out during fiscal year 2001.

21 (b) PURPOSE.—The purpose of the joint field experi-
 22 ment is to explore the most critical war fighting challenges
 23 at the operational level of war that will confront United
 24 States joint military forces after 2010.

1 (c) PARTICIPATING FORCES.—(1) The joint field ex-
 2 periment shall involve elements of Army, Navy, Marine
 3 Corps, and Air Force, and shall include special operations
 4 forces.

5 (2) The forces designated to participate in the joint
 6 field experiment shall exemplify the concepts for organiza-
 7 tion, equipment, and doctrine that are conceived for the
 8 forces after 2010 under Joint Vision 2010 (issued by the
 9 Joint Chiefs of Staff) and the current vision statements
 10 of the Chief of Staff of the Army, the Chief of Naval Oper-
 11 ations and the Commandant of the Marine Corps, and the
 12 Chief of Staff of the Air Force, including the following
 13 concepts:

14 (A) Air Force expeditionary aerospace forces.

15 (B) Army medium weight brigades.

16 (C) Navy forward from the sea.

17 (d) FUNDING.—Of the amount authorized to be ap-
 18 propriated under section 201(2) for joint experimentation,
 19 \$6,000,000 shall be available only for planning the joint
 20 field experiment required under this section.

21 **SEC. 212. NUCLEAR AIRCRAFT CARRIER DESIGN AND PRO-**
 22 **DUCTION MODELING.**

23 Of the amount authorized to be appropriated under
 24 section 201(2) for the Navy for nuclear aircraft carrier
 25 design and production modeling, \$10,000,000 shall be

1 available for the conversion and development of nuclear
2 aircraft carrier design data into an electronic, three-di-
3 mensional product model.

4 **SEC. 213. DD-21 CLASS DESTROYER PROGRAM.**

5 (a) **AUTHORITY.**—The Secretary of the Navy is au-
6 thorized to pursue a technology insertion approach for the
7 construction of the DD-21 destroyer on the following
8 schedule:

9 (1) Commencement of construction during fis-
10 cal year 2004.

11 (2) Delivery of the completed vessel during fis-
12 cal year 2009.

13 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
14 gress that—

15 (1) there are compelling reasons for starting
16 the program for constructing the DD-21 destroyer
17 in fiscal year 2004 and continuing with sequential
18 construction of DD-21 class destroyers during the
19 ensuing fiscal years until 32 DD-21 class destroyers
20 are constructed; and

21 (2) the Secretary of the Navy, in providing for
22 the acquisition of DD-21 class destroyers, should
23 consider that—

24 (A) the Marine Corps needs the surface
25 fire support capabilities of the DD-21 class de-

1 destroyers as soon as possible in order to mitigate
2 the inadequacies of the surface fire support ca-
3 pabilities that are currently available;

4 (B) the Navy and Marine Corps need to
5 resolve whether there is a requirement for sur-
6 face fire support missile weapon systems to be
7 easily sustainable by means of replenishment
8 while under way;

9 (C) the technology insertion approach has
10 been successful for other ship construction pro-
11 grams and is being pursued for the CVN(X)
12 and Virginia class submarine programs;

13 (D) the establishment of a stable configu-
14 ration for the first 10 DD-21 class destroyers
15 should enable the construction of the ships with
16 the greatest capabilities at the lowest cost; and

17 (E) action to acquire DD-21 class destroy-
18 ers should be taken as soon as possible in order
19 to realize fully the cost savings that can be de-
20 rived from the construction and operation of
21 DD-21 class destroyers, including—

22 (i) savings in construction costs that
23 would result from achievement of the
24 Navy's target per-ship cost of

1 \$750,000,000 by the fifth ship constructed
2 in each construction yard;

3 (ii) savings that will result from the
4 estimated reduction of the crews of de-
5 stroyers by 200 or more personnel for each
6 ship; and

7 (iii) savings that will result from a re-
8 duction in the operating costs for destroy-
9 ers by an estimated 70 percent.

10 (c) NAVY PLAN FOR USE OF TECHNOLOGY INSERTION
11 APPROACH FOR CONSTRUCTION OF THE DD-21
12 SHIP.—The Secretary of the Navy shall submit to the
13 Committees on Armed Services of the Senate and the
14 House of Representatives, not later than April 18, 2001,
15 a plan for pursuing a technology insertion approach for
16 the construction of the DD-21 destroyer as authorized
17 under subsection (a). The plan shall include estimates of
18 the resources necessary to execute the plan.

19 (d) REPORT ON ACQUISITION AND MAINTENANCE
20 PLAN FOR DD-21 CLASS SHIPS.—The Secretary of De-
21 fense shall submit to the Committees on Armed Services
22 of the Senate and House of Representatives, not later than
23 April 18, 2001, a report on the Navy's plan for the acqui-
24 sition and maintenance of DD-21 class destroyers. The

1 report shall include a discussion of each of the following
2 matters:

3 (1) The technical feasibility of commencing con-
4 struction of the DD-21 destroyer in fiscal year 2004
5 and achieving delivery of the completed ship to the
6 Navy during fiscal year 2009.

7 (2) An analysis of the advantages and disadvan-
8 tages of various contracting strategies for the con-
9 struction of the first 10 DD-21 class destroyers, in-
10 cluding one or more multiyear procurement strate-
11 gies and one or more strategies for block buy in eco-
12 nomic order quantity.

13 (3) The effects on the destroyer industrial base
14 and on costs to other Navy shipbuilding programs of
15 delaying the commencement of construction of the
16 DD-21 destroyer until fiscal year 2005 and delaying
17 the commencement of construction of the next DD-
18 21 class destroyer until fiscal year 2007.

19 (4) The effects on the fleet maintenance strate-
20 gies of Navy fleet commanders, on commercial main-
21 tenance facilities in fleet concentration areas, and on
22 the administration of funds in compliance with sec-
23 tion 2466 of title 10, United States Code, of award-
24 ing to a contractor for the construction of a DD-21
25 class destroyer all maintenance workloads for DD-

1 21 class destroyers that are below depot-level main-
2 tenance and above ship-level maintenance.

3 **SEC. 214. F-22 AIRCRAFT PROGRAM.**

4 Section 217(c) of the National Defense Authorization
5 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
6 1660) is amended by adding at the end the following:

7 “(3) With respect to the limitation in sub-
8 section (a), an increase by an amount that does not
9 exceed one percent of the total amount of that limi-
10 tation (taking into account the increases and de-
11 creases, if any, under paragraphs (1) and (2)) if the
12 Director of Operational Test and Evaluation, after
13 consulting with the Under Secretary of Defense for
14 Acquisition, Technology, and Logistics, determines
15 that the increase is necessary in order to ensure ade-
16 quate testing.”.

17 **SEC. 215. JOINT STRIKE FIGHTER PROGRAM.**

18 (a) REPORT.—Not later than December 15, 2000,
19 the Secretary shall submit to Congress a report on the
20 joint strike fighter program. The report shall contain the
21 following:

22 (1) A description of the program as the pro-
23 gram has been restructured before the date of the
24 report, including any modified acquisition strategy
25 that has been incorporated into the program.

1 (2) The exit criteria that have been established
 2 to ensure that technical risks are at levels acceptable
 3 for entry of the program into engineering and manu-
 4 facturing development.

5 (b) TRANSFERS FROM OTHER NAVY AND AIR FORCE
 6 ACCOUNTS.—(1) Notwithstanding any other provision of
 7 this Act, the Secretary may transfer to the joint strike
 8 fighter program or within the joint strike fighter program
 9 amounts authorized to be appropriated under section 201
 10 for a purpose other than the purpose of the authorization
 11 of appropriations to which transferred, as follows:

12 (A) Of the funds authorized to be appropriated
 13 under section 201(2), up to \$150,000,000.

14 (B) Of the funds authorized to be appropriated
 15 under section 201(3), up to \$150,000,000.

16 (2) The transfer authority under paragraph (1) is in
 17 addition to the transfer authority provided in section
 18 1001.

19 **SEC. 216. GLOBAL HAWK HIGH ALTITUDE ENDURANCE UN-**
 20 **MANNED AERIAL VEHICLE.**

21 (a) CONCEPT DEMONSTRATION REQUIRED.—The
 22 Secretary of Defense shall require and coordinate a con-
 23 cept demonstration of the Global Hawk high altitude en-
 24 durance unmanned aerial vehicle.

1 (b) PURPOSE OF DEMONSTRATION.—The purpose of
2 the concept demonstration is to demonstrate the capability
3 of the Global Hawk high altitude endurance unmanned
4 aerial vehicle to operate in an airborne surveillance mode,
5 using available, non-developmental technology.

6 (c) TIME FOR DEMONSTRATION.—The demonstration
7 shall take place as early in fiscal year 2001 as the Sec-
8 retary determines practicable.

9 (d) PARTICIPATION BY CINCS.—The Secretary shall
10 require the Commander in Chief of the United States
11 Joint Forces Command and the Commander in Chief of
12 the United States Southern Command jointly to provide
13 guidance for the demonstration and otherwise to partici-
14 pate in the demonstration.

15 (e) SCENARIO FOR DEMONSTRATION.—The dem-
16 onstration shall be conducted in a counter-drug surveil-
17 lance scenario that is designed to replicate factual condi-
18 tions typically encountered in the performance of the
19 counter-drug surveillance mission of the Commander in
20 Chief of the United States Southern Command within that
21 commander's area of responsibility.

22 (f) REPORT.—Not later than 45 days after the con-
23 cept demonstration is completed, the Secretary shall sub-
24 mit to Congress a report on the results of the demonstra-
25 tion. The report shall include the following:

1 (1) The Secretary's assessment of the technical
2 feasibility of using the Global Hawk high altitude
3 endurance unmanned aerial vehicle for airborne air
4 surveillance.

5 (2) A discussion of the operational concept for
6 the use of the vehicle for that purpose.

7 **SEC. 217. UNMANNED ADVANCED CAPABILITY AIRCRAFT**
8 **AND GROUND COMBAT VEHICLES.**

9 (a) GOAL.—It shall be a goal of the Armed Forces
10 to achieve the fielding of unmanned, remotely controlled
11 technology such that—

12 (1) by 2010, one-third of the operational deep
13 strike aircraft of the Armed Forces are unmanned;
14 and

15 (2) by 2015, one-third of the operational
16 ground combat vehicles of the Armed Forces are un-
17 manned.

18 (b) REPORT ON ADVANCED CAPABILITY GROUND
19 COMBAT VEHICLES.—Not later than January 31, 2001,
20 the Secretary of Defense shall submit to the congressional
21 defense committees a report on each of the programs un-
22 dertaken by the Secretaries of the Army, Navy, and Air
23 Force jointly with the Director of the Defense Advanced
24 Research Projects Agency to demonstrate advanced capa-

1 bility ground combat vehicles. The report shall include the
2 following for the program of each military department:

3 (1) A schedule for the program, including, in
4 the case of the Army program, a schedule for the
5 demonstration of the capability for unmanned, re-
6 motely controlled operation of advanced capability
7 ground combat vehicles for the Army.

8 (2) An identification of the funding required for
9 fiscal year 2002 and for the future-years defense
10 program to carry out the program and, in the case
11 of the Army program, for the demonstration de-
12 scribed in paragraph (1).

13 (3) A description and assessment of the acquisi-
14 tion strategy for unmanned ground combat vehicles
15 planned by the Secretary of the military department
16 concerned, together with a complete identification of
17 all operation, support, ownership, and other costs re-
18 quired to carry out such strategy through the year
19 2030.

20 (c) FUNDS.—Of the amount authorized to be appro-
21 priated for Defense-wide activities under section 201(4)
22 for the Defense Advanced Research Projects Agency,
23 \$200,000,000 shall be available only to carry out the pro-
24 grams referred to in subsection (b).

1 **SEC. 218. ARMY SPACE CONTROL TECHNOLOGY DEVELOP-**
2 **MENT.**

3 (a) KINETIC ENERGY ANTI-SATELLITE TECH-
4 NOLOGY PROGRAM.—Of the funds authorized to be appro-
5 priated under section 201(4), \$20,000,000 shall be avail-
6 able for the kinetic energy anti-satellite technology pro-
7 gram.

8 (b) OTHER ARMY SPACE CONTROL TECHNOLOGY
9 DEVELOPMENT.—Of the funds authorized to be appro-
10 priated under section 201(4), \$5,000,000 shall be avail-
11 able for the development of space control technologies that
12 emphasize reversible or temporary effects.

13 (c) LIMITATION.—None of the funds made available
14 pursuant to subsection (b) may be obligated until the
15 funds provided for the kinetic energy anti-satellite tech-
16 nology program under subsection (a) have been released
17 to the kinetic energy anti-satellite technology program
18 manager.

19 **SEC. 219. RUSSIAN AMERICAN OBSERVATION SATELLITES**
20 **PROGRAM.**

21 None of the funds authorized to be appropriated
22 under section 201(4) for the Russian American Observa-
23 tion Satellites program may be obligated or expended until
24 30 days after the Secretary of Defense submits to Con-
25 gress a report explaining how the Secretary plans to pro-
26 tect United States advanced military technology that may

1 be associated with the Russian American Observation Sat-
2 ellites program.

3 **SEC. 220. JOINT BIOLOGICAL DEFENSE PROGRAM.**

4 (a) LIMITATION.—Funds authorized to be appro-
5 priated by this Act may not be obligated for the procure-
6 ment of a vaccine for the biological agent anthrax until
7 the Secretary of Defense has submitted to the congres-
8 sional defense committees the following:

9 (1) A written notification that the Food and
10 Drug Administration has approved for production of
11 the vaccine the manufacturing source from which
12 the Department of Defense is procuring the vaccine
13 as of the date of the enactment of this Act (here-
14 after in this section referred to as the “current man-
15 ufacturer”).

16 (2) A report on the contingencies associated
17 with continuing to rely on the current manufacturer
18 to supply anthrax vaccine.

19 (b) CONTENT OF REPORT.—The report required
20 under subsection (a)(2) shall include the following:

21 (1) Recommended strategies to mitigate the
22 risk to the Department of Defense of losing the cur-
23 rent manufacturer as a source of anthrax vaccine,
24 together with a discussion of the criteria to be ap-

1 plied in determining whether to carry out any of the
2 strategies and which strategy to carry out.

3 (2) Recommended strategies to ensure that the
4 Department of Defense can procure from any source
5 or sources an anthrax vaccine approved by the Food
6 and Drug Administration that meets the require-
7 ments of the department if—

8 (A) the Food and Drug Administration
9 does not approve the release of the anthrax vac-
10 cine available from the current manufacturer;
11 or

12 (B) the current manufacturer terminates
13 the production of anthrax vaccine permanently.

14 (3) A five-year budget to support each strategy
15 recommended under paragraph (1) or (2).

16 **SEC. 221. REPORT ON BIOLOGICAL WARFARE DEFENSE**
17 **VACCINE RESEARCH AND DEVELOPMENT**
18 **PROGRAMS.**

19 (a) REQUIREMENT FOR REPORT.—The Secretary of
20 Defense shall submit to the congressional defense commit-
21 tees, not later than February 1, 2001, a report on the
22 acquisition of biological warfare defense vaccines for the
23 Department of Defense.

24 (b) CONTENT OF REPORT.—The report shall include
25 the following:

1 (1) The Secretary's evaluation of the implica-
2 tions of reliance on the commercial sector to meet
3 the requirements of the Department of Defense for
4 biological warfare defense vaccines.

5 (2) A complete design for a facility at an alter-
6 native site determined by the Secretary that is de-
7 signed to be operated under government ownership
8 by a contractor for the production of biological war-
9 fare defense vaccines to meet the current and future
10 requirements of the Department of Defense for bio-
11 logical warfare defense vaccines, together with—

12 (A) an estimation of the cost of contractor
13 operation of such a facility for that purpose;

14 (B) a determination, developed in consulta-
15 tion with the Surgeon General of the United
16 States, on the utility of such a facility to sup-
17 port civilian vaccine requirements and a discus-
18 sion of the effects that the use of the facility for
19 that purpose would have on the operating costs
20 for vaccine production at the facility; and

21 (C) an analysis of the effects that inter-
22 national demand for vaccines would have on the
23 operating costs for vaccine production at such
24 a facility.

1 (c) BIOLOGICAL WARFARE DEFENSE VACCINE DE-
 2 FINED.—In this section, the term “biological warfare de-
 3 fense vaccine” means a vaccine useful for the immuniza-
 4 tion of military personnel to protect against biological
 5 agents on the Validated Threat List issued by the Joint
 6 Chiefs of Staff, whether such vaccine is in production or
 7 is being developed.

8 **Subtitle C—Other Matters**

9 **SEC. 241. MOBILE OFFSHORE BASE.**

10 (a) REPORT.—Not later than March 1, 2001, the
 11 Secretary of Defense shall submit to Congress a report
 12 on the mobile offshore base concept.

13 (b) CONTENT OF REPORT.—The report shall contain
 14 the following:

15 (1) A cost-benefit analysis of the mobile off-
 16 shore base, using operational concepts that would
 17 support the National Military Strategy.

18 (2) A recommendation regarding whether to
 19 proceed with the mobile offshore base as a program
 20 and, if so—

21 (A) a statement regarding which of the
 22 Armed Forces is to be designated to have the
 23 lead responsibility for the program; and

24 (B) a schedule for the program.

1 **SEC. 242. AIR FORCE SCIENCE AND TECHNOLOGY PLAN-**
2 **NING.**

3 (a) REPORT.—Not later than one year after the date
4 of the enactment of this Act, the Secretary of the Air
5 Force shall submit to the congressional defense commit-
6 tees a report on the long-term challenges and short-term
7 objectives of the Air Force science and technology pro-
8 gram. The report shall include the following:

9 (1) An assessment of the budgetary resources
10 that are being used for fiscal year 2001 for address-
11 ing the long-term challenges and the short-term ob-
12 jectives.

13 (2) The budgetary resources that are necessary
14 to address those challenges and objectives ade-
15 quately.

16 (3) A course of action for any projected or on-
17 going Air Force science and technology programs
18 that do not address either the long-term challenges
19 or the short-term objectives.

20 (4) The matters required under subsection
21 (b)(5) and (c)(6).

22 (b) LONG-TERM CHALLENGES.—(1) The Secretary
23 of the Air Force shall establish an integrated product team
24 to identify high-risk, high-payoff challenges that will pro-
25 vide a long-term focus and motivation for the Air Force
26 science and technology program over the next 20 to 50

1 years. The integrated product team shall include rep-
2 resentatives of the Office of Scientific Research and per-
3 sonnel from the Air Force Research Laboratory.

4 (2) The team shall solicit views from the entire Air
5 Force science and technology community on the matters
6 under consideration by the team.

7 (3) The team—

8 (A) shall select for consideration science and
9 technology challenges that involve—

10 (i) compelling requirements of the Air
11 Force;

12 (ii) high-risk, high-payoff areas of explo-
13 ration; and

14 (iii) very difficult, but probably achievable,
15 results; and

16 (B) should not include as a selected challenge
17 any linear extension of an ongoing Air Force science
18 and technology program.

19 (4) The Deputy Assistant Secretary of the Air Force
20 for Science, Technology, and Engineering shall designate
21 a technical coordinator and a management coordinator for
22 each science and technology challenge identified pursuant
23 to this subsection. Each technical coordinator shall have
24 sufficient expertise in fields related to the challenge to be
25 able to identify other experts and affirm the credibility of

1 the program. The coordinator for a science and technology
2 challenge shall conduct workshops within the relevant sci-
3 entific and technological community to obtain suggestions
4 for possible approaches to addressing the challenge, to
5 identify ongoing work that addresses the challenge, to
6 identify gaps in current work relating to the challenge,
7 and to highlight promising areas of research.

8 (5) The report required by subsection (a) shall, at
9 a minimum, provide information on each science and tech-
10 nology challenge identified pursuant to this subsection and
11 describe the results of the workshops conducted pursuant
12 to paragraph (4), including any work not currently funded
13 by the Air Force that should be performed to meet the
14 challenge.

15 (c) SHORT-TERM OBJECTIVES.—(1) The Secretary
16 of the Air Force shall establish a task force to identify
17 short-term technological objectives of the Air Force
18 science and technology program. The task force shall be
19 chaired by the Deputy Assistant Secretary of the Air
20 Force for Science, Technology, and Engineering and shall
21 include representatives of the Chief of Staff of the Air
22 Force and the specified combatant commands of the Air
23 Force.

1 (2) The task force shall solicit views from the entire
2 Air Force requirements community, user community, and
3 acquisition community.

4 (3) The task force shall select for consideration short-
5 term objectives that involve—

6 (A) compelling requirements of the Air Force;

7 (B) support in the user community; and

8 (C) likely attainment of the desired benefits
9 within a 5-year period.

10 (4) The Deputy Assistant Secretary of the Air Force
11 for Science, Technology, and Engineering shall establish
12 an integrated product team for each short-term objective
13 identified pursuant to this subsection. Each integrated
14 product team shall include representatives of the require-
15 ments community, the user community, and the science
16 and technology community with relevant expertise.

17 (5) The integrated product team for a short-term ob-
18 jective shall be responsible for—

19 (A) identifying, defining, and prioritizing the
20 enabling capabilities that are necessary for achieving
21 the objective;

22 (B) identifying gaps in the enabling capabilities
23 that must be addressed if the short-term objective is
24 to be achieved; and

1 (C) working with the Air Force science and
 2 technology community to identify science and tech-
 3 nology projects and programs that should be under-
 4 taken to fill each gap in an enabling capability.

5 (6) The report required by subsection (a) shall, at
 6 a minimum, describe each short-term science and tech-
 7 nology objective identified pursuant to this subsection and
 8 describe the work of the integrated product teams con-
 9 ducted pursuant to paragraph (5), including any gaps
 10 identified in enabling capabilities and the science and tech-
 11 nology work that should be undertaken to fill each such
 12 gap.

13 **TITLE III—OPERATION AND** 14 **MAINTENANCE**

15 **Subtitle A—Authorization of** 16 **Appropriations**

17 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

18 Funds are hereby authorized to be appropriated for
 19 fiscal year 2001 for the use of the Armed Forces and other
 20 activities and agencies of the Department of Defense for
 21 expenses, not otherwise provided for, for operation and
 22 maintenance, in amounts as follows:

- 23 (1) For the Army, \$19,028,531,000.
- 24 (2) For the Navy, \$23,254,154,000.
- 25 (3) For the Marine Corps, \$2,746,558,000.

1 (4) For the Air Force, \$22,389,077,000.

2 (5) For Defense-wide activities,
3 \$11,973,569,000.

4 (6) For the Army Reserve, \$1,526,418,000.

5 (7) For the Naval Reserve, \$965,946,000.

6 (8) For the Marine Corps Reserve,
7 \$138,959,000.

8 (9) For the Air Force Reserve, \$1,890,859,000.

9 (10) For the Army National Guard,
10 \$3,222,335,000.

11 (11) For the Air National Guard,
12 \$3,450,875,000.

13 (12) For the Defense Inspector General,
14 \$144,245,000.

15 (13) For the United States Court of Appeals
16 for the Armed Forces, \$8,574,000.

17 (14) For Environmental Restoration, Army,
18 \$389,932,000.

19 (15) For Environmental Restoration, Navy,
20 \$294,038,000.

21 (16) For Environmental Restoration, Air Force,
22 \$376,300,000.

23 (17) For Environmental Restoration, Defense-
24 wide, \$23,412,000.

1 (18) For Environmental Restoration, Formerly
2 Used Defense Sites, \$186,499,000.

3 (19) For Overseas Humanitarian, Disaster, and
4 Civic Aid programs, \$55,400,000.

5 (20) For Drug Interdiction and Counter-drug
6 Activities, Defense-wide, \$845,300,000.

7 (21) For the Kaho'olawe Island Conveyance,
8 Remediation, and Environmental Restoration Trust
9 Fund, \$25,000,000.

10 (22) For Defense Health Program,
11 \$11,401,723,000.

12 (23) For Cooperative Threat Reduction pro-
13 grams, \$458,400,000.

14 (24) For Overseas Contingency Operations
15 Transfer Fund, \$4,100,577,000.

16 **SEC. 302. WORKING CAPITAL FUNDS.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2001 for the use of the Armed Forces and other
19 activities and agencies of the Department of Defense for
20 providing capital for working capital and revolving funds
21 in amounts as follows:

22 (1) For the Defense Working Capital Funds,
23 \$916,276,000.

24 (2) For the National Defense Sealift Fund,
25 \$388,158,000.

1 **SEC. 303. ARMED FORCES RETIREMENT HOME.**

2 There is hereby authorized to be appropriated for fis-
3 cal year 2001 from the Armed Forces Retirement Home
4 Trust Fund the sum of \$69,832,000 for the operation of
5 the Armed Forces Retirement Home, including the United
6 States Soldiers' and Airmen's Home and the Naval Home.

7 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCK-**
8 **PILE TRANSACTION FUND.**

9 (a) TRANSFER AUTHORITY.—To the extent provided
10 in appropriations Acts, not more than \$150,000,000 is au-
11 thorized to be transferred from the National Defense
12 Stockpile Transaction Fund to operation and maintenance
13 accounts for fiscal year 2001 in amounts as follows:

14 (1) For the Army, \$50,000,000.

15 (2) For the Navy, \$50,000,000.

16 (3) For the Air Force, \$50,000,000.

17 (b) TREATMENT OF TRANSFERS.—Amounts trans-
18 ferred under this section—

19 (1) shall be merged with, and be available for
20 the same purposes and the same period as, the
21 amounts in the accounts to which transferred; and

22 (2) may not be expended for an item that has
23 been denied authorization of appropriations by Con-
24 gress.

25 (c) RELATIONSHIP TO OTHER TRANSFER AUTHOR-
26 ITY.—The transfer authority provided in this section is in

1 addition to the transfer authority provided in section
2 1001.

3 **Subtitle B—Program Require-**
4 **ments, Restrictions, and Limita-**
5 **tions**

6 **SEC. 311. IMPACT AID FOR CHILDREN WITH DISABILITIES.**

7 Of the total amount authorized to be appropriated
8 under section 301(5) for payments under section 8003 of
9 the Elementary and Secondary Education Act of 1965 (20
10 U.S.C. 7703), \$20,000,000 is available only for payments
11 for children with disabilities under subsection (d) of such
12 section.

13 **SEC. 312. JOINT WARFIGHTING CAPABILITIES ASSESSMENT**
14 **TEAMS.**

15 Of the total amount authorized to be appropriated
16 under section 301(5) for the Joint Staff, \$4,000,000 is
17 available only for the improvement of the performance of
18 analyses by the joint warfighting capabilities assessment
19 teams of the Joint Requirements Oversight Council.

1 **Subtitle C—Humanitarian and** 2 **Civic Assistance**

3 **SEC. 321. INCREASED AUTHORITY TO PROVIDE HEALTH** 4 **CARE SERVICES AS HUMANITARIAN AND** 5 **CIVIC ASSISTANCE.**

6 Section 401(e)(1) of title 10, United States Code, is
7 amended by striking “rural areas of a country” and insert-
8 ing “areas of a country that are rural or are underserved
9 by medical, dental, and veterinary professionals, respec-
10 tively”.

11 **SEC. 322. USE OF HUMANITARIAN AND CIVIC ASSISTANCE** 12 **FUNDING FOR PAY AND ALLOWANCES OF** 13 **SPECIAL OPERATIONS COMMAND RESERVES** 14 **FURNISHING DEMINING TRAINING AND RE-** 15 **LATED ASSISTANCE AS HUMANITARIAN AS-** 16 **SISTANCE.**

17 Section 401(c) of title 10, United States Code, is
18 amended by adding at the end the following:

19 “(5) Up to 10 percent of the funds available in any
20 fiscal year for humanitarian and civic assistance described
21 in subsection (e)(5) may be expended for the pay and al-
22 lowances of reserve component personnel of the Special
23 Operations Command for periods of duty for which the
24 personnel, for a humanitarian purpose, furnish education

1 and training on the detection and clearance of landmines
 2 or furnish related technical assistance.”.

3 **Subtitle D—Department of Defense**
 4 **Industrial Facilities**

5 **SEC. 331. CODIFICATION AND IMPROVEMENT OF ARMA-**
 6 **MENT RETOOLING AND MANUFACTURING**
 7 **SUPPORT PROGRAMS.**

8 (a) IN GENERAL.—(1) Part IV of subtitle B of title
 9 10, United States Code, is amended by inserting after
 10 chapter 433 the following:

11 **“CHAPTER 434—ARMAMENTS INDUSTRIAL**
 12 **BASE**

“Sec.

“4551. Policy.

“4552. Armament Retooling and Manufacturing Support Initiative.

“4553. Property management contracts and leases.

“4554. ARMS Initiative loan guarantee program.

“4555. Definitions.

13 **“§ 4551. Policy**

14 “It is the policy of the United States—

15 “(1) to encourage, to the maximum extent prac-
 16 ticable, commercial firms to use Government-owned,
 17 contractor-operated ammunition manufacturing fa-
 18 cilities of the Department of the Army;

19 “(2) to use such facilities for supporting pro-
 20 grams, projects, policies, and initiatives that pro-
 21 mote competition in the private sector of the United

1 States economy and that advance United States in-
2 terests in the global marketplace;

3 “(3) to increase the manufacture of products
4 inside the United States;

5 “(4) to support policies and programs that pro-
6 vide manufacturers with incentives to assist the
7 United States in making more efficient and economi-
8 cal use of Government-owned industrial plants and
9 equipment for commercial purposes;

10 “(5) to provide, as appropriate, small busi-
11 nesses (including socially and economically disadvan-
12 taged small business concerns and new small busi-
13 nesses) with incentives that encourage those busi-
14 nesses to undertake manufacturing and other indus-
15 trial processing activities that contribute to the pros-
16 perity of the United States;

17 “(6) to encourage the creation of jobs through
18 increased investment in the private sector of the
19 United States economy;

20 “(7) to foster a more efficient, cost-effective,
21 and adaptable armaments industry in the United
22 States;

23 “(8) to achieve, with respect to armaments
24 manufacturing capacity, an optimum level of readi-
25 ness of the national technology and industrial base

1 within the United States that is consistent with the
2 projected threats to the national security of the
3 United States and the projected emergency require-
4 ments of the Armed Forces of the United States;
5 and

6 “(9) to encourage facility use contracting where
7 feasible.

8 **“§ 4552. Armament Retooling and Manufacturing**
9 **Support Initiative**

10 “(a) AUTHORITY FOR INITIATIVE.—The Secretary of
11 the Army may carry out a program to be known as the
12 ‘Armament Retooling and Manufacturing Support Initia-
13 tive’ (hereafter in this chapter referred to as the ‘ARMS
14 Initiative’).

15 “(b) PURPOSES.—The purposes of the ARMS Initia-
16 tive are as follows:

17 “(1) To encourage commercial firms, to the
18 maximum extent practicable, to use Government-
19 owned, contractor-operated ammunition manufac-
20 turing facilities of the Department of the Army for
21 commercial purposes.

22 “(2) To increase the opportunities for small
23 businesses (including socially and economically dis-
24 advantaged small business concerns and new small
25 businesses) to use such facilities for those purposes.

1 “(3) To maintain in the United States a work
2 force having the skills in manufacturing processes
3 that are necessary to meet industrial emergency
4 planned requirements for national security purposes.

5 “(4) To demonstrate innovative business prac-
6 tices, to support Department of Defense acquisition
7 reform, and to serve as both a model and a labora-
8 tory for future defense conversion initiatives of the
9 Department of Defense.

10 “(5) To the maximum extent practicable, to
11 allow the operation of Government-owned, con-
12 tractor-operated ammunition manufacturing facili-
13 ties of the Department of the Army to be rapidly re-
14 sponsive to the forces of free market competition.

15 “(6) To reduce or eliminate the cost of owner-
16 ship of ammunition manufacturing facilities by the
17 Department of the Army, including the costs of op-
18 erations and maintenance, the costs of environ-
19 mental remediation, and other costs.

20 “(7) To reduce the cost of products of the De-
21 partment of Defense produced at ammunition manu-
22 facturing facilities of the Department of the Army.

23 “(8) To leverage private investment at Govern-
24 ment-owned, contractor-operated ammunition manu-
25 facturing facilities through long-term facility use

1 contracts, property management contracts, leases, or
2 other agreements that support and advance the poli-
3 cies and purposes of this chapter, for the following
4 activities:

5 “(A) Recapitalization of plant and equip-
6 ment.

7 “(B) Environmental remediation.

8 “(C) Promotion of commercial business
9 ventures.

10 “(D) Other activities.

11 “(9) To foster cooperation between the Depart-
12 ment of the Army, property managers, commercial
13 interests, and State and local agencies in the imple-
14 mentation of sustainable development strategies and
15 investment in facilities made available for purposes
16 of the ARMS Initiative.

17 “(10) To reduce or eliminate the cost of asset
18 disposal prior to a declaration by the Secretary of
19 the Army that property is excess to the needs of the
20 Department of the Army.

21 “(c) AVAILABILITY OF FACILITIES.—(1) The Sec-
22 retary of the Army may make any Government-owned,
23 contractor-operated ammunition manufacturing facility of
24 the Department of the Army available for the purposes
25 of the ARMS Initiative.

1 “(2) The authority under paragraph (1) applies to
 2 a facility described in that paragraph without regard to
 3 whether the facility is active, inactive, in layaway or care-
 4 taker status, or is designated (in whole or in part) as ex-
 5 cess property under property classification procedures ap-
 6 plicable under title II of the Federal Property and Admin-
 7 istrative Services Act of 1949 (40 U.S.C. 481 et seq.).

8 “(d) PRECEDENCE OF PROVISION OVER CERTAIN
 9 PROPERTY MANAGEMENT LAWS.—The following provi-
 10 sions of law shall not apply to uses of property or facilities
 11 in accordance with this section to the extent that such pro-
 12 visions of law are inconsistent with the exercise of the au-
 13 thority of this section:

14 “(1) Section 2667(a)(3) of this title.

15 “(2) The Federal Property and Administrative
 16 Services Act of 1949 (40 U.S.C. 471 et seq.).

17 “(3) Section 321 of the Act of June 30, 1932
 18 (commonly known as the ‘Economy Act’) (40 U.S.C.
 19 303b).

20 “(e) PROGRAM SUPPORT.—(1) Funds appropriated
 21 for purposes of the ARMS Initiative may be used for ad-
 22 ministrative support and management.

23 “(2) A full annual accounting of such expenses for
 24 each fiscal year shall be provided to the Committees on
 25 Armed Services and on Appropriations of the Senate and

1 the House of Representatives not later than March 30 of
2 the following fiscal year.

3 **“§ 4553. Property management contracts and leases**

4 “(a) IN GENERAL.—In the case of each Government-
5 owned, contractor-operated ammunition manufacturing
6 facility of the Department of the Army that is made avail-
7 able for the ARMS Initiative, the Secretary of the Army—

8 “(1) shall make full use of facility use con-
9 tracts, leases, and other such commercial contractual
10 instruments as may be appropriate;

11 “(2) shall evaluate, on the basis of efficiency,
12 cost, emergency mobilization requirements, and the
13 goals and purposes of the ARMS Initiative, the pro-
14 curement of services from the property manager, in-
15 cluding maintenance, operation, modification, infra-
16 structure, environmental restoration and remedi-
17 ation, and disposal of ammunition manufacturing
18 assets, and other services; and

19 “(3) may, in carrying out paragraphs (1) and
20 (2)—

21 “(A) enter into contracts, and provide for
22 subcontracts, for terms up to 25 years, as the
23 Secretary considers appropriate and consistent
24 with the needs of the Department of the Army

1 and the goals and purposes of the ARMS Initia-
2 tive; and

3 “(B) use procedures that are authorized to
4 be used under section 2304(c)(5) of this title
5 when the contractor or subcontractor is a
6 source specified in law.

7 “(b) CONSIDERATION FOR USE.—(1) To the extent
8 provided in a contract entered into under this section for
9 the use of property at a Government-owned, contractor-
10 operated ammunition manufacturing facility that is ac-
11 countable under the contract, the Secretary of the Army
12 may accept consideration for such use that is, in whole
13 or in part, in a form other than—

14 “(A) rental payments; or

15 “(B) revenue generated at the facility.

16 “(2) Forms of consideration acceptable under para-
17 graph (1) for a use of a facility or any property at a facil-
18 ity include the following:

19 “(A) The improvement, maintenance, protec-
20 tion, repair, and restoration of the facility, the prop-
21 erty, or any property within the boundaries of the
22 installation where the facility is located.

23 “(B) Reductions in overhead costs.

24 “(C) Reductions in product cost.

1 “(3) The authority under paragraph (1) may be exer-
2 cised without regard to section 3302(b) of title 31 and
3 any other provision of law.

4 “(c) REPORTING REQUIREMENT.—Not later than
5 July 1 each year, the Secretary of the Army shall submit
6 to the Committees on Armed Services and on Appropria-
7 tions of the Senate and the House of Representatives a
8 report on the procedures and controls implemented to
9 carry out this section.

10 **“§ 4554. ARMS Initiative loan guarantee program**

11 “(a) PROGRAM AUTHORIZED.—Subject to subsection
12 (b), the Secretary of the Army may carry out a loan guar-
13 antee program to encourage commercial firms to use am-
14 munition manufacturing facilities under this chapter.
15 Under any such program, the Secretary may guarantee
16 the repayment of any loan made to a commercial firm to
17 fund, in whole or in part, the establishment of a commer-
18 cial activity to use any such facility under this chapter.

19 “(b) ADVANCED BUDGET AUTHORITY.—Loan guar-
20 antees under this section may not be committed except
21 to the extent that appropriations of budget authority to
22 cover their costs are made in advance, as required by sec-
23 tion 504 of the Federal Credit Reform Act of 1990 (2
24 U.S.C. 661c).

1 “(c) PROGRAM ADMINISTRATION.—(1) The Secretary
 2 may enter into an agreement with any of the officials
 3 named in paragraph (2) under which that official may,
 4 for the purposes of this section—

5 “(A) process applications for loan guarantees;

6 “(B) guarantee repayment of loans; and

7 “(C) provide any other services to the Secretary
 8 to administer the loan guarantee program.

9 “(2) The officials referred to in paragraph (1) are
 10 as follows:

11 “(A) The Administrator of the Small Business
 12 Administration.

13 “(B) The head of any appropriate agency in the
 14 Department of Agriculture, including—

15 “(i) the Administrator of the Farmers
 16 Home Administration; and

17 “(ii) the Administrator of the Rural Devel-
 18 opment Administration.

19 “(3) Each official authorized to do so under an agree-
 20 ment entered into under paragraph (1) may guarantee
 21 loans under this section to commercial firms of any size,
 22 notwithstanding any limitations on the size of applicants
 23 imposed on other loan guarantee programs that the offi-
 24 cial administers.

1 “(4) To the extent practicable, each official proc-
 2 essing loan guarantee applications under this section pur-
 3 suant to an agreement entered into under paragraph (1)
 4 shall use the same processing procedures as the official
 5 uses for processing loan guarantee applications under
 6 other loan guarantee programs that the official admin-
 7 isters.

8 “(d) LOAN LIMITS.—The maximum amount of loan
 9 principal guaranteed during a fiscal year under this sec-
 10 tion may not exceed—

11 “(1) \$20,000,000, with respect to any single
 12 borrower; and

13 “(2) \$320,000,000 with respect to all bor-
 14 rowers.

15 “(e) TRANSFER OF FUNDS.—The Secretary of the
 16 Army may transfer to an official providing services under
 17 subsection (c), and that official may accept, such funds
 18 as may be necessary to administer the loan guarantee pro-
 19 gram under this section.

20 **“§ 4555. Definitions**

21 “In this chapter:

22 “(1) The term ‘property manager’ includes any
 23 person or entity managing a facility made available
 24 under the ARMS Initiative through a property man-
 25 agement contract.

1 “(2) The term ‘property management contract’
 2 includes facility use contracts, site management con-
 3 tracts, leases, and other agreements entered into
 4 under the authority of this chapter.”.

5 (2) The tables of chapters at the beginning of subtitle
 6 B of such title and at the beginning of part IV of such
 7 subtitle are amended by inserting after the item relating
 8 to chapter 433 the following:

“434. Armaments Industrial Base 4551”.

9 (b) RELATIONSHIP TO NATIONAL DEFENSE TECH-
 10 NOLOGY AND INDUSTRIAL BASE.—(1) Subchapter IV of
 11 chapter 148 of title 10, United States Code, is amended—

12 (A) by redesignating section 2525 as section
 13 2521; and

14 (B) by adding at the end the following:

15 **“§ 2522. Armament retooling and manufacturing**

16 “The Secretary of the Army is authorized by chapter
 17 434 of this title to carry out programs for the support
 18 of armaments retooling and manufacturing in the national
 19 defense industrial and technology base.”.

20 (2) The table of sections at the beginning of such sub-
 21 chapter is amended by striking the item relating to section
 22 2525 and inserting the following:

 “2521. Manufacturing Technology Program.

 “2522. Armament retooling and manufacturing.”.

1 (c) REPEAL OF SUPERSEDED LAW.—The Armament
 2 Retooling and Manufacturing Support Act of 1992 (sub-
 3 title H of title I of the National Defense Authorization
 4 Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C.
 5 2501 note)) is repealed.

6 **SEC. 332. CENTERS OF INDUSTRIAL AND TECHNICAL EX-**
 7 **CELLENCE.**

8 (a) DESIGNATION OF ARMY ARSENALS.—(1) Sub-
 9 section (a) of section 2474 of title 10, United States Code,
 10 is amended by striking paragraph (1) and inserting the
 11 following:

12 “(1) The Secretary concerned, or the Secretary of
 13 Defense in the case of a Defense Agency, shall designate
 14 as a Center of Industrial and Technical Excellence in the
 15 recognized core competencies of the designee the following:

16 “(A) Each depot-level activity of the military
 17 departments and the Defense Agencies (other than
 18 facilities approved for closure or major realignment
 19 under the Defense Base Closure and Realignment
 20 Act of 1990 (part A of title XXIX of Public Law
 21 101–510; 10 U.S.C. 2687 note)).

22 “(B) Each arsenal of the Army.”.

23 (2) Paragraph (2) of such subsection is amended—

24 (A) by inserting “of Defense” after “The Sec-
 25 retary”; and

1 (B) by striking “depot-level activities” and in-
 2 serting “Centers of Industrial and Technical Excel-
 3 lence”.

4 (3) Paragraph (3) of such subsection is amended by
 5 striking “the efficiency and effectiveness of depot-level op-
 6 erations, improve the support provided by depot-level ac-
 7 tivities” and inserting “the efficiency and effectiveness of
 8 operations at Centers of Industrial and Technical Excel-
 9 lence, improve the support provided by the Centers”.

10 (b) PUBLIC-PRIVATE PARTNERSHIPS.—Subsection
 11 (b) of such section is amended to read as follows:

12 “(b) PUBLIC-PRIVATE PARTNERSHIPS.—(1) To
 13 achieve one or more objectives set forth in paragraph (2),
 14 the Secretary designating a Center of Industrial and Tech-
 15 nical Excellence under subsection (a) shall authorize and
 16 encourage the head of the Center to enter into public-pri-
 17 vate cooperative arrangements that provide any of the fol-
 18 lowing:

19 “(A) For employees of the Center, private in-
 20 dustry, or other entities outside the Department of
 21 Defense—

22 “(i) to perform (under contract, sub-
 23 contract, or otherwise) work in any of the core
 24 competencies of the Center, including any
 25 depot-level maintenance and repair work that

1 involves one or more core competencies of the
2 Center; or

3 “(ii) to perform at the Center depot-level
4 maintenance and repair work that does not in-
5 volve a core competency of the Center.

6 “(B) For private industry or other entities out-
7 side the Department of Defense to use, for any pe-
8 riod of time determined to be consistent with the
9 needs of the Department of Defense, any facilities or
10 equipment of the Center that are not fully utilized
11 by a military department for its own production or
12 maintenance requirements.

13 “(2) The objectives for exercising the authority pro-
14 vided in paragraph (1) are as follows:

15 “(A) To maximize the utilization of the capacity
16 of a Center of Industrial and Technical Excellence.

17 “(B) To reduce or eliminate the cost of owner-
18 ship of a Center by the Department of Defense in
19 such areas of responsibility as operations and main-
20 tenance and environmental remediation.

21 “(C) To reduce the cost of products of the De-
22 partment of Defense produced or maintained at a
23 Center.

24 “(D) To leverage private sector investment in—

1 “(i) such efforts as plant and equipment
2 recapitalization for a Center; and

3 “(ii) the promotion of the undertaking of
4 commercial business ventures at a Center.

5 “(E) To foster cooperation between the armed
6 forces and private industry.

7 “(3) A public-private cooperative arrangement en-
8 tered into under this subsection shall be known as a ‘pub-
9 lic-private partnership’.

10 “(4) The Secretary designating a Center of Industrial
11 and Technical Excellence under subsection (a) may waive
12 the condition in paragraph (1)(A) and subsection (a)(1)
13 of section 2553 of this title that an article or service must
14 be not available (as defined in subsection (g)(2) of such
15 section) from a United States commercial source in the
16 case of a particular article or service of a public-private
17 partnership if the Secretary determines that the waiver
18 is necessary to achieve one or more objectives set forth
19 in paragraph (2).

20 “(5) In any sale of articles manufactured or services
21 performed by employees of a Center pursuant to a waiver
22 under paragraph (4), the Secretary shall charge the full
23 cost of manufacturing the articles or performing the serv-
24 ices, as the case may be. The full cost charged shall in-
25 clude both direct costs and indirect costs.”.

1 (c) PRIVATE SECTOR USE OF EXCESS CAPACITY.—

2 Such section is further amended—

3 (1) striking subsection (d);

4 (2) by redesignating subsection (c) as sub-
5 section (d); and

6 (3) by inserting after subsection (b) the fol-
7 lowing new subsection (c):

8 “(c) PRIVATE SECTOR USE OF EXCESS CAPACITY.—

9 Any facilities or equipment of a Center of Industrial and
10 Technical Excellence made available to private industry
11 may be used to perform maintenance or to produce goods
12 in order to make more efficient and economical use of Gov-
13 ernment-owned industrial plants and encourage the cre-
14 ation and preservation of jobs to ensure the availability
15 of a workforce with the necessary manufacturing and
16 maintenance skills to meet the needs of the armed
17 forces.”.

18 (d) CREDITING OF AMOUNTS FOR PERFORMANCE.—

19 Subsection (d) of such section, as redesignated by sub-
20 section (c)(2), is amended by adding at the end the fol-
21 lowing: “Consideration in the form of rental payments or
22 (notwithstanding section 3302(b) of title 31) in other
23 forms may be accepted for a use of property accountable
24 under a contract performed pursuant to this section. Not-
25 withstanding section 2667(d) of this title, revenues gen-

1 erated pursuant to this section shall be available for facil-
 2 ity operations, maintenance, and environmental restora-
 3 tion at the Center where the leased property is located.”.

4 (e) AVAILABILITY OF EXCESS EQUIPMENT TO PRI-
 5 VATE-SECTOR PARTNERS.—Such section is further
 6 amended by adding at the end the following:

7 “(e) AVAILABILITY OF EXCESS EQUIPMENT TO PRI-
 8 VATE-SECTOR PARTNERS.—Equipment or facilities of a
 9 Center of Industrial and Technical Excellence may be
 10 made available for use by a private-sector entity under this
 11 section only if—

12 “(1) the use of the equipment or facilities will
 13 not have a significant adverse effect on the readiness
 14 of the armed forces, as determined by the Secretary
 15 concerned or, in the case of a Center in a Defense
 16 Agency, by the Secretary of Defense; and

17 “(2) the private-sector entity agrees—

18 “(A) to reimburse the Department of De-
 19 fense for the direct and indirect costs (including
 20 any rental costs) that are attributable to the
 21 entity’s use of the equipment or facilities, as de-
 22 termined by that Secretary; and

23 “(B) to hold harmless and indemnify the
 24 United States from—

1 “(i) any claim for damages or injury
 2 to any person or property arising out of
 3 the use of the equipment or facilities, ex-
 4 cept in a case of willful conduct or gross
 5 negligence; and

6 “(ii) any liability or claim for damages
 7 or injury to any person or property arising
 8 out of a decision by the Secretary con-
 9 cerned or the Secretary of Defense to sus-
 10 pend or terminate that use of equipment or
 11 facilities during a war or national emer-
 12 gency.”.

13 (f) LOAN GUARANTEE PROGRAM FOR SUPPORT OF
 14 PUBLIC-PRIVATE PARTNERSHIPS.—Chapter 146 of title
 15 10, United States Code, is amended by adding at the end
 16 the following:

17 **“§ 2475. Centers of Industrial and Technical Excel-**
 18 **lence: loan guarantee program for sup-**
 19 **port of public-private partnerships**

20 “(a) PROGRAM AUTHORIZED.—Subject to subsection
 21 (b), the Secretary of Defense may carry out a loan guar-
 22 antee program to encourage commercial firms to use Cen-
 23 ters of Industrial and Technical Excellence pursuant to
 24 section 2474 of this title. Under any such program, the
 25 Secretary may guarantee the repayment of any loan made

1 to a commercial firm to fund, in whole or in part, the es-
 2 tablishment of public-private partnerships authorized
 3 under subsection (b) of such section.

4 “(b) ADVANCED BUDGET AUTHORITY.—Loan guar-
 5 antees under this section may not be committed except
 6 to the extent that appropriations of budget authority to
 7 cover their costs are made in advance, as required by sec-
 8 tion 504 of the Federal Credit Reform Act of 1990 (2
 9 U.S.C. 661c).

10 “(c) PROGRAM ADMINISTRATION.—(1) The Secretary
 11 may enter into an agreement with any of the officials
 12 named in paragraph (2) under which that official may,
 13 for the purposes of this section—

14 “(A) process applications for loan guarantees;

15 “(B) guarantee repayment of loans; and

16 “(C) provide any other services to the Secretary
 17 to administer the loan guarantee program.

18 “(2) The officials referred to in paragraph (1) are
 19 as follows:

20 “(A) The Administrator of the Small Business
 21 Administration.

22 “(B) The head of any appropriate agency in the
 23 Department of Agriculture, including—

24 “(i) the Administrator of the Farmers
 25 Home Administration; and

1 “(ii) the Administrator of the Rural Devel-
2 opment Administration.

3 “(3) Each official authorized to do so under an agree-
4 ment entered into under paragraph (1) may guarantee
5 loans under this section to commercial firms of any size,
6 notwithstanding any limitations on the size of applicants
7 imposed on other loan guarantee programs that the offi-
8 cial administers.

9 “(4) To the extent practicable, each official proc-
10 essing loan guarantee applications under this section pur-
11 suant to an agreement entered into under paragraph (1)
12 shall use the same processing procedures as the official
13 uses for processing loan guarantee applications under
14 other loan guarantee programs that the official admin-
15 isters.

16 “(d) LOAN LIMITS.—The maximum amount of loan
17 principal guaranteed during a fiscal year under this sec-
18 tion may not exceed—

19 “(1) \$20,000,000, with respect to any single
20 borrower; and

21 “(2) \$320,000,000 with respect to all bor-
22 rowers.

23 “(e) TRANSFER OF FUNDS.—The Secretary of De-
24 fense may transfer to an official providing services under
25 subsection (c), and that official may accept, such funds

1 as may be necessary to administer the loan guarantee pro-
 2 gram under this section.”.

3 (g) USE OF WORKING CAPITAL-FUNDED FACILI-
 4 TIES.—Section 2208(j) of title 10, United States Code,
 5 is amended—

6 (1) by striking “contract; and” in paragraph
 7 (1) and all that follows through “(2) the Depart-
 8 ment of Defense” in paragraph (2) and inserting the
 9 following: “contract, and the Department of De-
 10 fense”;

11 (2) by striking the period at the end and insert-
 12 ing “; or”; and

13 (3) by adding at the end the following:

14 “(2) the Secretary would advance the objectives
 15 set forth in section 2474(b)(2) of this title by au-
 16 thorizing the facility to do so.”.

17 (h) REPEAL OF GENERAL AUTHORITY TO LEASE
 18 EXCESS DEPOT-LEVEL EQUIPMENT AND FACILITIES TO
 19 OUTSIDE TENANTS.—Section 2471 of title 10, United
 20 States Code, is repealed.

21 (i) CLERICAL AMENDMENTS.—The table of sections
 22 at the beginning of chapter 146 of such title is amended—

23 (1) by striking the item relating to section
 24 2471; and

25 (2) by adding at the end the following:

“2475. Centers of Industrial and Technical Excellence: loan guarantee program for support of public-private partnerships.”.

1 **SEC. 333. EFFECTS OF OUTSOURCING ON OVERHEAD**
 2 **COSTS OF CENTERS OF INDUSTRIAL AND**
 3 **TECHNICAL EXCELLENCE AND AMMUNITION**
 4 **PLANTS.**

5 (a) FINDINGS.—Congress makes the following find-
 6 ings:

7 (1) Centers of Industrial and Technical Excel-
 8 lence and ammunition plants of the United States
 9 comprise a vital component of the national tech-
 10 nology and industrial base that ensures that there is
 11 sufficient domestic industrial capacity to meet the
 12 needs of the Armed Forces for certain critical de-
 13 fense equipment and supplies in time of war or na-
 14 tional emergency.

15 (2) Underutilization of the Centers of Industrial
 16 and Technical Excellence and ammunition plants in
 17 peacetime does not diminish the critical importance
 18 of those centers and ammunition plants to the na-
 19 tional defense.

20 (b) REQUIREMENT FOR REPORTS.—(1) Subchapter
 21 V of chapter 148 of title 10, United States Code, is
 22 amended by adding at the end the following:

1 **“§ 2539c. Centers of Industrial and Technical Excel-**
 2 **lence and ammunition plants of the**
 3 **United States: effects of outsourcing on**
 4 **overhead costs**

5 “Not later than 30 days before any official of the De-
 6 partment of Defense enters into a contract with a private
 7 sector source for the performance of a workload already
 8 being performed by more than 50 employees at a Center
 9 of Industrial and Technical Excellence designated under
 10 section 2474(a) of this title or an ammunition plant of
 11 the United States, the Secretary of Defense shall submit
 12 to Congress a report describing the effect that the per-
 13 formance and administration of the contract will have on
 14 the overhead costs of the center or ammunition plant, as
 15 the case may be.”.

16 (2) The table of sections at the beginning of sub-
 17 chapter V of such chapter is amended by adding at the
 18 end the following:

“2539c. Centers of Industrial and Technical Excellence and ammunition plants
 of the United States: effects of outsourcing on overhead
 costs.”.

19 **SEC. 334. REVISION OF AUTHORITY TO WAIVE LIMITATION**
 20 **ON PERFORMANCE OF DEPOT-LEVEL MAIN-**
 21 **TENANCE.**

22 Section 2466(c) of title 10, United States Code, is
 23 amended to read as follows:

1 “(c) WAIVER OF LIMITATION.—The President may
2 waive the limitation in subsection (a) for a fiscal year if—

3 “(1) the President determines that—

4 “(A) the waiver is necessary for reasons of
5 national security; and

6 “(B) compliance with the limitation cannot
7 be achieved through effective management of
8 depot operations consistent with those reasons;
9 and

10 “(2) the President submits to Congress a notifi-
11 cation of the waiver together with a discussion of the
12 reasons for the waiver.”.

13 **Subtitle E—Environmental** 14 **Provisions**

15 **SEC. 341. ENVIRONMENTAL RESTORATION ACCOUNTS.**

16 (a) ADDITIONAL ACCOUNT FOR FORMERLY USED
17 DEFENSE SITES.—Subsection (a) of section 2703 of title
18 10, United States Code, is amended by adding at the end
19 the following new paragraph:

20 “(5) An account to be known as the ‘Environ-
21 mental Restoration Account, Formerly Used Defense
22 Sites’.”.

23 (b) ACCOUNTS AS SOLE SOURCE OF FUNDS FOR OP-
24 ERATION AND MONITORING OF ENVIRONMENTAL REM-

1 EDIES.—That section is further amended by adding at the
2 end the following:

3 “(f) ACCOUNTS AS SOLE SOURCE OF FUNDS FOR
4 ENVIRONMENTAL REMEDIES.—(1) The sole source of
5 funds for the long-term operation and monitoring of an
6 environmental remedy at a facility under the jurisdiction
7 of the Department of Defense shall be the applicable envi-
8 ronmental restoration account under subsection (a).

9 “(2) In this subsection, the term ‘environmental rem-
10 edy’ shall have the meaning given the term ‘remedy’ under
11 section 101(24) of CERCLA (42 U.S.C. 9601(24)).”.

12 **SEC. 342. PAYMENT OF FINES AND PENALTIES FOR ENVI-**
13 **RONMENTAL COMPLIANCE VIOLATIONS.**

14 (a) PAYMENT OF FINES AND PENALTIES.—(1) Chap-
15 ter 160 of title 10, United States Code, is amended by
16 adding at the end the following new section:

17 **“§ 2710. Environmental compliance: payment of fines**
18 **and penalties for violations**

19 “(a) IN GENERAL.—The Secretary of Defense or the
20 Secretary of a military department may not pay a fine
21 or penalty for an environmental compliance violation that
22 is imposed against the Department of Defense or such
23 military department, as the case may be, unless the pay-
24 ment of the fine or penalty is specifically authorized by
25 law, if—

1 “(1) the amount of the fine or penalty (includ-
 2 ing any supplemental environmental projects carried
 3 out as part of such penalty) is \$1,500,000 or more;
 4 or

5 “(2) the fine or penalty is based on the applica-
 6 tion of economic benefit criteria or size-of-business
 7 criteria.

8 “(b) DEFINITIONS.—In this section:

9 “(1)(A) Except as provided in subparagraph
 10 (B), the term ‘environmental compliance’, in the
 11 case of on-going operations, functions, or activities
 12 at a Department of Defense facility, means the ac-
 13 tivities necessary to ensure that such operations,
 14 functions, or activities meet requirements under ap-
 15 plicable environmental law.

16 “(B) The term does not include operations,
 17 functions, or activities relating to environmental res-
 18 toration under this chapter that are conducted using
 19 funds in an environmental restoration account under
 20 section 2703(a) of this title.

21 “(2) The term ‘economic benefit criteria’, in the
 22 case of the imposition of a fine or penalty for an en-
 23 vironmental compliance violation, means criteria
 24 which determine the existence of the violation, or the
 25 amount of the fine or penalty, based on the assump-

1 tion that a competitive advantage was gained by a
 2 failure to invest money necessary to achieve the envi-
 3 ronmental compliance concerned.

4 “(3) The term ‘size-of-business criteria’, in the
 5 case of the imposition of a fine or penalty for an en-
 6 vironmental compliance violation, means criteria
 7 which determine the existence of the violation, or the
 8 amount of the fine or penalty, based on an assess-
 9 ment of an entity’s net worth and on assumptions
 10 regarding the entity’s ability to pay the fine or pen-
 11 alty.

12 “(4) The term ‘violation’, in the case of envi-
 13 ronmental compliance, means an act or omission re-
 14 sulting in the failure to ensure the compliance.”.

15 (2) The table of sections at the beginning of such
 16 chapter is amended by adding at the end the following
 17 new item:

“2710. Environmental compliance: payment of fines and penalties for viola-
 tions.”.

18 (b) APPLICABILITY.—(1) Section 2710 of title 10,
 19 United States Code (as added by subsection (a)), shall
 20 take effect on the date of the enactment of this Act.

21 (2) Subsection (a)(1) of that section, as so added,
 22 shall not apply with respect to any supplemental environ-
 23 mental projects referred to in that subsection that were
 24 agreed to before the date of the enactment of this Act.

1 **SEC. 343. ANNUAL REPORTS UNDER STRATEGIC ENVIRON-**
 2 **MENTAL RESEARCH AND DEVELOPMENT**
 3 **PROGRAM.**

4 (a) REPEAL OF REQUIREMENT FOR ANNUAL RE-
 5 PORT FROM SCIENTIFIC ADVISORY BOARD.—Section
 6 2904 of title 10, United States Code, is amended—

7 (1) by striking subsection (h); and

8 (2) by redesignating subsection (i) as subsection
 9 (h).

10 (b) INCLUSION OF ACTIONS OF BOARD IN ANNUAL
 11 REPORTS OF COUNCIL.—Section 2902(d)(3) of such title
 12 is amended by adding at the end the following subpara-
 13 graph:

14 “(D) A summary of the actions of the
 15 Strategic Environmental Research and Develop-
 16 ment Program Scientific Advisory Board during
 17 the year preceding the year in which the report
 18 is submitted and any recommendations, includ-
 19 ing recommendations on program direction and
 20 legislation, that the Advisory Board considers
 21 appropriate regarding the program.”.

22 **SEC. 344. MODIFICATION OF AUTHORITY FOR INDEM-**
 23 **NIFICATION OF TRANSFEREES OF CLOSING**
 24 **DEFENSE PROPERTY.**

25 (a) INDEMNIFICATION.—Subsection (a) of section
 26 330 of the National Defense Authorization Act for Fiscal

1 Year 1993 (Public Law 104–484; 10 U.S.C. 2687 note)
2 is amended—

3 (1) in paragraph (1), by striking “and suit”
4 and all that follows through the end and inserting
5 the following: “any suit, claim, demand or action,
6 administrative order or demand, liability, judgment,
7 cost, or other fee arising out of—

8 “(A) any claim for personal injury or property
9 damage (including death, illness, or loss or damage
10 to property) that results from, or is in any manner
11 predicated upon, the release or threatened release of
12 any hazardous substance, pollutant or contaminant,
13 petroleum or petroleum derivative, or unexploded
14 ordnance as a result of Department of Defense ac-
15 tivities at a military installation (or any portion
16 thereof) that is closed or realigned pursuant to a
17 base closure law; or

18 “(B) subject to paragraph (4), any legally bind-
19 ing obligation to respond or pay response costs pur-
20 suant to the Comprehensive Environmental Re-
21 sponse, Compensation, and Liability Act of 1980 (42
22 U.S.C. 9601 et seq.), any other Federal law, or any
23 State law, that results from, or is in any manner
24 predicated upon, a release or threatened release de-
25 scribed in subparagraph (A).”;

1 (2) in paragraph (3)—

2 (A) by striking “To the extent” and insert-
3 ing “(A) Except as provided in subparagraph
4 (B), to the extent”; and

5 (B) by adding at the end the following:

6 “(B) The Secretary of the military department con-
7 cerned may enter into an agreement in connection with
8 any transfer of property covered by paragraph (2) which
9 agreement shall specify the contribution of any person or
10 entity described in that paragraph to a release or threat-
11 ened release covered by this subsection. The specification
12 of a contribution to a release or threatened release under
13 this subparagraph shall govern indemnification for the re-
14 lease or threatened release under this subsection, except
15 to the extent later evidence disproves the specification.”;
16 and

17 (3) by adding at the end the following:

18 “(4) Indemnification under paragraph (1)(B) with
19 respect to a military installation (or portion thereof) shall
20 cease five years after the date on which the Secretary of
21 the military department concerned provides the covenant
22 referred to in section 120(h)(3)(A)(ii)(I) of the Com-
23 prehensive Environmental Response, Compensation, and
24 Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)(ii)(I))

1 with respect to the military installation (or portion there-
2 of).”.

3 (b) CONDITIONS OF INDEMNIFICATION.—Subsection
4 (b) of that section is amended by striking paragraphs (1)
5 through (4) and inserting the following new paragraphs:

6 “(1) notifies the Secretary of the military de-
7 partment concerned and the Attorney General in
8 writing—

9 “(A) within two months after the filing of
10 any suit, claim, or demand or action, or the
11 issuance of any administrative order or demand,
12 that reasonably could be expected to give rise to
13 a liability, judgment, cost, or other fee to which
14 subsection (a)(1) could apply; and

15 “(B) before the settlement or other resolu-
16 tion of such suit, claim, demand or action, or
17 order or demand;

18 “(2) furnishes to the Secretary of the military
19 department concerned and the Attorney General
20 copies of any pertinent papers the person or entity
21 receives;

22 “(3) furnishes to the Secretary of the military
23 department and the Attorney General evidence or
24 proof of any suit, claim, demand or action, adminis-

1 trative order or demand, liability, judgment, cost, or
2 other fee; and

3 “(4) provides, upon request of the Secretary of
4 the military department concerned or the Attorney
5 General, access to records and personnel of the per-
6 son or entity for purposes of defending or settling
7 the suit, claim, demand or action, or order or de-
8 mand.”.

9 (c) SETTLEMENT AUTHORITY OF SECRETARY OF DE-
10 FENSE.—Subsection (c)(1) of that section is amended—

11 (1) by inserting “administrative order or de-
12 mand,” after “demand or action,”; and

13 (2) by striking “or property damage” both
14 places it appears and inserting “, property damage,
15 or environmental response or response cost”.

16 (d) CONFORMING REPEAL.—That section is further
17 amended—

18 (1) by striking subsection (d); and

19 (2) by redesignating subsections (e) and (f) as
20 subsections (d) and (e), respectively.

21 (e) DEFINITIONS.—Subsection (e) of that section, as
22 redesignated by subsection (d)(2) of this section, is further
23 amended by striking paragraph (1) and inserting the fol-
24 lowing new paragraph (1):

1 “(1) The terms ‘facility’, ‘hazardous substance’,
 2 ‘release’, ‘response’, and ‘pollutant or contaminant’
 3 have the meanings given such terms in paragraphs
 4 (9), (14), (22), (25), and (33) of section 101 of the
 5 Comprehensive Environmental Response, Compensa-
 6 tion, and Liability Act of 1980, respectively (42
 7 U.S.C. 9601(9), (14), (22), (25), and (33)).”.

8 **SEC. 345. PAYMENT OF FINES OR PENALTIES IMPOSED FOR**
 9 **ENVIRONMENTAL COMPLIANCE VIOLATIONS**
 10 **AT CERTAIN DEPARTMENT OF DEFENSE FA-**
 11 **CILITIES.**

12 (a) ARMY.—The Secretary of the Army may, from
 13 amounts authorized to be appropriated for the Army by
 14 this title and available for such purpose, utilize amounts
 15 for the purposes and at the locations, as follows:

16 (1) \$993,000 for a Supplemental Environ-
 17 mental Project to implement an installation-wide
 18 hazardous substance management system at Walter
 19 Reed Army Medical Center, Washington, District of
 20 Columbia, in satisfaction of a fine imposed by Envi-
 21 ronmental Protection Agency Region 3 under the
 22 Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

23 (2) \$377,250 for a Supplemental Environ-
 24 mental Project to install new parts washers at Fort
 25 Campbell, Kentucky, in satisfaction of a fine im-

1 posed by Environmental Protection Agency Region 4
2 under the Solid Waste Disposal Act.

3 (3) \$20,701 for a Supplemental Environmental
4 Project to upgrade the wastewater treatment plant
5 at Fort Gordon, Georgia, in satisfaction of a fine
6 imposed by the State of Georgia under the Solid
7 Waste Disposal Act.

8 (4) \$78,500 for Supplemental Environmental
9 Projects to reduce the generation of hazardous waste
10 at Pueblo Chemical Depot, Colorado, in satisfaction
11 of a fine imposed by the State of Colorado under the
12 Solid Waste Disposal Act.

13 (5) \$20,000 for a Supplemental Environmental
14 Project to repair cracks in floors of igloos used to
15 store munitions hazardous waste at Deseret Chem-
16 ical Depot, Utah, in satisfaction of a fine imposed
17 by the State of Utah under the Solid Waste Disposal
18 Act.

19 (b) NAVY.—The Secretary of the Navy may, from
20 amounts authorized to be appropriated for the Navy by
21 this title and available for such purpose, utilize amounts
22 for the purposes and at the locations, as follows:

23 (1) \$108,800 for payment to the West Virginia
24 Division of Environmental Protection of a cash pen-

1 alty with respect to Allegany Ballistics Laboratory,
2 West Virginia, under the Solid Waste Disposal Act.

3 (2) \$5,000 for payment to Environmental Pro-
4 tection Agency Region 6 of a cash penalty with re-
5 spect to Naval Air Station, Corpus Christi, Texas,
6 under the Clean Air Act (42 U.S.C. 7401).

7 **SEC. 346. REIMBURSEMENT FOR CERTAIN COSTS IN CON-**
8 **NECTION WITH THE FORMER NANSEMOND**
9 **ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.**

10 (a) **AUTHORITY.**—The Secretary of Defense may pay,
11 using funds described in subsection (b), not more than
12 \$98,210 to the Former Nansemond Ordnance Depot Site
13 Special Account within the Hazardous Substance Super-
14 fund established by section 9507 of the Internal Revenue
15 Code of 1986 (26 U.S.C. 9507) to reimburse the Environ-
16 mental Protection Agency for costs incurred by the agency
17 in overseeing a time critical removal action under
18 CERCLA being performed by the Department of Defense
19 under the Defense Environmental Restoration Program
20 for ordnance and explosive safety hazards at the Former
21 Nansemond Ordnance Depot Site, Suffolk, Virginia, pur-
22 suant to an Interagency Agreement entered into by the
23 Department of the Army and the Environmental Protec-
24 tion Agency on January 3, 2000.

1 (b) SOURCE OF FUNDS.—Any payment under sub-
 2 section (a) shall be made using amounts authorized to be
 3 appropriated by section 301 to the Environmental Res-
 4 toration Account, Formerly Used Defense Sites, estab-
 5 lished by paragraph (5) of section 2703(a) of title 10,
 6 United States Code, as added by section 341(a) of this
 7 Act.

8 (c) DEFINITIONS.—In this section:

9 (1) The term “CERCLA” means the Com-
 10 prehensive Environmental Response, Compensation,
 11 and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

12 (2) The term “Defense Environmental Restora-
 13 tion Program” means the program of environmental
 14 restoration carried out under chapter 160 of title 10,
 15 United States Code.

16 **SEC. 347. ENVIRONMENTAL RESTORATION ACTIVITIES.**

17 (a) AUTHORITY TO USE FUNDS FOR FACILITIES RE-
 18 LOCATION.—During the period beginning on October 1,
 19 2000, and ending on September 30, 2003, the Secretary
 20 concerned may use funds available under section 2703 of
 21 title 10, United States Code, to pay for the costs of perma-
 22 nently relocating facilities because of a release or threat-
 23 ened release of hazardous substances, pollutants, or con-
 24 taminants from—

1 (1) real property or facilities currently under
2 the jurisdiction of the Secretary of Defense; or

3 (2) real property or facilities that were under
4 the jurisdiction of the Secretary of Defense at the
5 time of the actions leading to such release or threat-
6 ened release.

7 (b) LIMITATIONS.—(1) The Secretary concerned may
8 not pay the costs of permanently relocating facilities under
9 subsection (a) unless the Secretary concerned determines
10 in writing that such permanent relocation of facilities is
11 part of a response action that—

12 (A) has the support of the affected community;

13 (B) has the approval of relevant regulatory
14 agencies; and

15 (C) is the most cost effective response action
16 available.

17 (2) Not more than 5 percent of the funds available
18 under section 2703 of title 10, United States Code, in any
19 fiscal year may be used to pay the costs of permanently
20 relocating facilities pursuant to the authority in subsection
21 (a).

22 (c) REPORTS.—(1) Not later than November 30 of
23 each of 2001, 2002, and 2003, the Secretary of Defense
24 shall submit to Congress a report on each response action

1 for which a written determination has been made under
 2 subsection (b)(1) in the fiscal year ending in such year.

3 (2) Each report for a fiscal year under paragraph (1)
 4 shall contain the following:

5 (A) A copy of each written determination under
 6 subsection (b)(1) during such fiscal year.

7 (B) A description of the response action taken
 8 or to be taken in connection with each such written
 9 determination.

10 (C) A statement of the costs incurred or to be
 11 incurred in connection with the permanent relocation
 12 of facilities covered by each such written determina-
 13 tion.

14 (d) SECRETARY CONCERNED DEFINED.—In this sec-
 15 tion, the term “Secretary concerned” means the following:

16 (1) The Secretary of a military department,
 17 with regard to real property or facilities for which
 18 such military department is the lead agency.

19 (2) The Secretary of Defense, for any other real
 20 property or facilities.

21 **SEC. 348. SHIP DISPOSAL PROJECT.**

22 (a) CONTINUATION OF PROJECT.—(1) Subject to the
 23 provisions of this subsection, the Secretary of the Navy
 24 shall continue to carry out a ship disposal project within
 25 the United States during fiscal year 2001.

1 (2) The scope of the ship disposal project shall be
 2 sufficient to permit the Secretary to assemble appropriate
 3 data on the cost of scrapping ships.

4 (3) The Secretary shall use competitive procedures to
 5 award all task orders under the primary contracts under
 6 the ship disposal project.

7 (b) REPORT.—Not later than December 31, 2000,
 8 the Secretary shall submit to the congressional defense
 9 committees a report on the ship disposal project referred
 10 to in subsection (a). The report shall contain the following:

11 (1) A description of the competitive procedures
 12 used for the solicitation and award of all task orders
 13 under the project.

14 (2) A description of the task orders awarded
 15 under the project.

16 (3) An assessment of the results of the project
 17 as of the date of the report, including the perform-
 18 ance of contractors under the project.

19 (4) The proposed strategy of the Navy for fu-
 20 ture procurement of ship scrapping activities.

21 **SEC. 349. REPORT ON DEFENSE ENVIRONMENTAL SECU-**
 22 **RITY CORPORATE INFORMATION MANAGE-**
 23 **MENT PROGRAM.**

24 (a) REPORT REQUIRED.—Not later than 60 days
 25 after the date of the enactment of this Act, the Secretary

1 of Defense shall submit to the congressional defense com-
2 mittees a report on the Defense Environmental Security
3 Corporate Information Management program.

4 (b) REPORT ELEMENTS.—The report under sub-
5 section (a) shall include the following elements:

6 (1) The recommendations of the Secretary for
7 the future mission of the Defense Environmental Se-
8 curity Corporate Information Management program.

9 (2) A discussion of the means by which the pro-
10 gram will address or provide the following:

11 (A) Information access procedures which
12 keep pace with current and evolving require-
13 ments for information access.

14 (B) Data standardization and systems in-
15 tegration.

16 (C) Product failures and cost-effective re-
17 sults.

18 (D) User confidence and utilization.

19 (E) Program continuity.

20 (F) Program accountability, including ac-
21 countability for all past, current, and future ac-
22 tivities funded under the program.

23 (G) Program management and oversight.

24 (H) Program compliance with applicable
25 requirements of the Clinger-Cohen Act of 1996

1 (divisions D and E of Public Law 104–106)
2 and applicable requirements under other provi-
3 sions of law.

4 **SEC. 350. REPORT ON PLASMA ENERGY PYROLYSIS SYS-**
5 **TEM.**

6 (a) REPORT REQUIRED.—Not later than October 1,
7 2000, the Secretary of the Army shall submit to the con-
8 gressional defense committees a report on the Plasma En-
9 ergy Pyrolysis System (PEPS).

10 (b) REPORT ELEMENTS.—The report on the Plasma
11 Energy Pyrolysis System under subsection (a) shall in-
12 clude the following:

13 (1) An analysis of available information and
14 data on the fixed-transportable unit demonstration
15 phase of the System and on the mobile unit dem-
16 onstration phase of the System.

17 (2) Recommendations regarding future applica-
18 tions for each phase of the System described in
19 paragraph (1).

20 (3) A statement of the projected funding for
21 such future applications.

Subtitle F—Other Matters

SEC. 361. EFFECTS OF WORLDWIDE CONTINGENCY OPERATIONS ON READINESS OF CERTAIN MILITARY AIRCRAFT AND EQUIPMENT.

(a) REQUIREMENT FOR REPORT.—The Secretary of Defense shall submit to Congress, not later than 180 days after the date of the enactment of this Act, a report on—

(1) the effects of worldwide contingency operations of the Navy, Marine Corps, and Air Force on the readiness of aircraft of those Armed Forces; and

(2) the effects of worldwide contingency operations of the Army and Marine Corps on the readiness of ground equipment of those Armed Forces.

(b) CONTENT OF REPORT.—The report shall contain the Secretary's assessment of the effects of the contingency operations referred to in subsection (a) on the capability of the Department of Defense to maintain a high level of equipment readiness and to manage a high operating tempo for the aircraft and ground equipment.

(c) EFFECTS ON AIRCRAFT.—The assessment contained in the report shall address, with respect to aircraft, the following effects:

(1) The effects of the contingency operations carried out during fiscal years 1995 through 2000 on the aircraft of each of the Navy, Marine Corps,

1 and Air Force in each category of aircraft, as fol-
2 lows:

3 (A) Combat tactical aircraft.

4 (B) Strategic aircraft.

5 (C) Combat support aircraft.

6 (D) Combat service support aircraft.

7 (2) The types of adverse effects on the aircraft
8 of each of the Navy, Marine Corps, and Air Force
9 in each category of aircraft specified in paragraph
10 (1) resulting from contingency operations, as follows:

11 (A) Patrolling in no-fly zones—

12 (i) over Iraq in Operation Northern
13 Watch;

14 (ii) over Iraq in Operation Southern
15 Watch; and

16 (iii) over the Balkans in Operation Al-
17 lied Force.

18 (B) Air operations in the NATO air war
19 against Serbia in Operation Sky Anvil, Oper-
20 ation Noble Anvil, and Operation Allied Force.

21 (C) Air operations in Operation Shining
22 Hope in Kosovo.

23 (D) All other activities within the general
24 context of worldwide contingency operations.

1 (3) Any other effects that the Secretary con-
2 siders appropriate in carrying out subsection (a).

3 (d) EFFECTS ON GROUND EQUIPMENT.—The assess-
4 ment contained in the report shall address, with respect
5 to ground equipment, the following effects:

6 (1) The effects of the contingency operations
7 carried out during fiscal years 1995 through 2000
8 on the ground equipment of each of the Army and
9 Marine Corps.

10 (2) Any other effects that the Secretary con-
11 siders appropriate in carrying out subsection (a).

12 **SEC. 362. REALISTIC BUDGETING FOR READINESS RE-**
13 **QUIREMENTS OF THE ARMY.**

14 (a) REQUIREMENT FOR NEW METHODOLOGY.—The
15 Secretary of the Army shall develop a new methodology
16 for preparing budget requests for operation and mainte-
17 nance that can be used to ensure that the budget requests
18 for operation and maintenance for future fiscal years more
19 accurately reflect the Army's requirements than do the
20 budget requests that have been submitted to Congress for
21 fiscal year 2001 and preceding fiscal years.

22 (b) SENSE OF CONGRESS ON THE NEW METHOD-
23 ODOLOGY.—It is the sense of Congress that—

1 (1) the methodology should provide for the de-
 2 termination of the budget levels to request for oper-
 3 ation and maintenance to be based on—

4 (A) the level of training that must be con-
 5 ducted in order to maintain essential readiness;

6 (B) the cost of conducting the training at
 7 that level; and

8 (C) the costs of all other Army operations,
 9 including the cost of meeting infrastructure re-
 10 quirements; and

11 (2) the Secretary should use the new method-
 12 ology in the preparation of the budget requests for
 13 operation and maintenance for fiscal years after fis-
 14 cal year 2001.

15 **SEC. 363. ADDITIONS TO PLAN FOR ENSURING VISIBILITY**
 16 **OVER ALL IN-TRANSIT END ITEMS AND SEC-**
 17 **ONDARY ITEMS.**

18 (a) REQUIRED ADDITIONS.—Subsection (d) of sec-
 19 tion 349 of the Strom Thurmond National Defense Au-
 20 thorization Act for Fiscal Year 1999 (Public Law 105–
 21 261; 112 Stat. 1981; 10 U.S.C. 2458 note) is amended—

22 (1) by inserting before the period at the end of
 23 paragraph (1) “, including specific actions to ad-
 24 dress underlying weaknesses in the controls over
 25 items being shipped”; and

1 (2) by adding at the end the following:

2 “(5) The key management elements for moni-
3 toring, and for measuring the progress achieved in,
4 the implementation of the plan, including—

5 “(A) the assignment of oversight responsi-
6 bility for each action identified pursuant to
7 paragraph (1);

8 “(B) a description of the resources re-
9 quired for oversight; and

10 “(C) an estimate of the annual cost of
11 oversight.”.

12 (b) CONFORMING AMENDMENTS.—(1) Subsection (a)
13 of such section is amended by striking “Not later than”
14 and all that follows through “Congress” and inserting
15 “The Secretary of Defense shall prescribe and carry out”.

16 (2) Such section is further amended by adding at the
17 end the following:

18 “(f) SUBMISSIONS TO CONGRESS.—After the Sec-
19 retary submits the plan to Congress (on a date not later
20 than March 1, 1999), the Secretary shall submit to Con-
21 gress any revisions to the plan that are required by any
22 law enacted after October 17, 1998. The revisions so made
23 shall be submitted not later than 180 days after the date
24 of the enactment of the law requiring the revisions.”.

1 (3) Subsection (e)(1) of such section is amended by
2 striking “submits the plan” and inserting “submits the
3 initial plan”.

4 **SEC. 364. PERFORMANCE OF EMERGENCY RESPONSE**
5 **FUNCTIONS AT CHEMICAL WEAPONS STOR-**
6 **AGE INSTALLATIONS.**

7 (a) RESTRICTION ON CONVERSION.—The Secretary
8 of the Army may not convert to contractor performance
9 the emergency response functions of any chemical weapons
10 storage installation that, as of the date of the enactment
11 of this Act, are performed for that installation by employ-
12 ees of the United States until the certification required
13 by subsection (c) has been submitted in accordance with
14 that subsection.

15 (b) COVERED INSTALLATIONS.—For the purposes of
16 this section, a chemical weapons storage installation is any
17 installation of the Department of Defense on which lethal
18 chemical agents or munitions are stored.

19 (c) CERTIFICATION REQUIREMENT.—The Secretary
20 of the Army shall certify in writing to the Committees on
21 Armed Services of the Senate and the House of Represent-
22 atives that, to ensure that there will be no lapse of capa-
23 bility to perform the chemical weapon emergency response
24 mission at a chemical weapons storage installation during
25 any transition to contractor performance of those func-

1 tions at that installation, the plan for conversion of the
2 performance of those functions—

3 (1) is consistent with the recommendation con-
4 tained in General Accounting Office Report NSIAD-
5 00-88, entitled “DoD Competitive Sourcing”, dated
6 March 2000; and

7 (2) provides for a transition to contractor per-
8 formance of emergency response functions which en-
9 sures an adequate transfer of the relevant knowledge
10 and expertise regarding chemical weapon emergency
11 response to the contractor personnel.

12 **SEC. 365. CONGRESSIONAL NOTIFICATION OF USE OF**
13 **RADIO FREQUENCY SPECTRUM BY A SYSTEM**
14 **ENTERING ENGINEERING AND MANUFAC-**
15 **TURING DEVELOPMENT.**

16 Before a decision is made to enter into the engineer-
17 ing and manufacturing development phase of a program
18 for the acquisition of a system that is to use the radio
19 frequency spectrum, the Secretary of Defense shall submit
20 to the congressional defense committees a report setting
21 forth the following:

22 (1) The frequency or frequencies that the sys-
23 tem will use.

1 (2) A statement of whether the Department of
2 Defense is, or is to be, designated as the primary
3 user of the particular frequency or frequencies.

4 (3) If not, the unique technical characteristics
5 that make it necessary to use the particular fre-
6 quency or frequencies.

7 (4) A description of the protections that the
8 Department of Defense has been given to ensure
9 that it will not incur costs as a result of current or
10 future interference from other users of the par-
11 ticular frequency or frequencies.

12 **SEC. 366. MONITORING OF VALUE OF PERFORMANCE OF**
13 **DEPARTMENT OF DEFENSE FUNCTIONS BY**
14 **WORKFORCES SELECTED FROM BETWEEN**
15 **PUBLIC AND PRIVATE WORKFORCES.**

16 (a) REQUIREMENT FOR A MONITORING SYSTEM.—

17 (1) Chapter 146 of title 10, United States Code, as
18 amended by section 332(f), is further amended by adding
19 at the end the following:

20 **“§ 2476. Public-private workforce selections: system**
21 **for monitoring value**

22 “(a) SYSTEM FOR MONITORING PERFORMANCE.—(1)
23 The Secretary of Defense shall establish a system for mon-
24 itoring the performance of functions of the Department
25 of Defense that—

1 “(A) are performed by 50 or more employees of
2 the department; and

3 “(B) have been subjected to a workforce review.

4 “(2) In this section, the term ‘workforce review’, with
5 respect to a function, is a review to determine whether
6 the function should be performed by a workforce composed
7 of Federal Government employees or by a private sector
8 workforce, and includes any review for that purpose that
9 is carried out under, or is associated with, the following:

10 “(A) Office of Management and Budget Cir-
11 cular A-76.

12 “(B) A strategic sourcing.

13 “(C) A base closure or realignment.

14 “(D) Any other reorganization, privatization, or
15 reengineering of an organization.

16 “(b) PERFORMANCE MEASUREMENTS.—The system
17 for monitoring the performance of a function shall provide
18 for the measurement of the costs and benefits resulting
19 from the selection of one workforce over the other work-
20 force pursuant to a workforce review, as follows:

21 “(1) The costs incurred.

22 “(2) The savings derived.

23 “(3) The value of the performance by the se-
24 lected workforce measured against the costs of the
25 performance of that function by the workforce per-

1 forming the function as of the beginning of the
2 workforce review, as the workforce then performing
3 the function was organized.

4 “(c) ANNUAL REPORT.—The Secretary shall submit
5 to Congress, not later than February 1 of each fiscal year,
6 a report on the measurable value of the performance dur-
7 ing the preceding fiscal year of the functions that have
8 been subjected to a workforce review, as determined under
9 the monitoring system established under subsection (a).
10 The report shall display the findings separately for each
11 of the armed forces and for each Defense Agency.

12 “(d) CONSIDERATION IN PREPARATION OF FUTURE-
13 YEARS DEFENSE PROGRAM.—In preparing the future-
14 years defense program under section 221 of this title, the
15 Secretary of Defense shall, for the fiscal years covered by
16 the program, estimate and take into account the costs to
17 be incurred and the savings to be derived from the per-
18 formance of functions by workforces selected in workforce
19 reviews. The Secretary shall consider the results of the
20 monitoring under this section in making the estimates.”.

21 (2) The table of sections at the beginning of such
22 chapter, as amended by section 332(i)(2), is further
23 amended by adding at the end the following:

“2476. Public-private workforce selections: system for monitoring value.”.

1 (b) CONTENT OF CONGRESSIONAL NOTIFICATION OF
 2 CONVERSIONS.—Paragraph (1) of section 2461(c) of title
 3 10, United States Code, is amended—

4 (1) by redesignating subparagraphs (C), (D),
 5 and (E) as subparagraphs (D), (F) and (G);

6 (2) by inserting after subparagraph (B), the
 7 following new subparagraph (C):

8 “(C) The Secretary’s certification that the fac-
 9 tors considered in the examinations performed under
 10 subsection (b)(3), and in the making of the decision
 11 to change performance, did not include any predeter-
 12 mined personnel constraint or limitation in terms of
 13 man years, end strength, full-time equivalent posi-
 14 tions, or maximum number of employees.”; and

15 (3) by inserting after subparagraph (D), as re-
 16 designated by paragraph (1), the following new sub-
 17 paragraph (E):

18 “(E) A statement of the potential economic ef-
 19 fect of the change on each affected local community,
 20 as determined in the examination under subsection
 21 (b)(3)(B)(ii).”.

22 **SEC. 367. SUSPENSION OF REORGANIZATION OF NAVAL**
 23 **AUDIT SERVICE.**

24 The Secretary of the Navy shall cease any consolida-
 25 tions, involuntary transfers, buy-outs, or reductions in

1 force of the workforce of auditors and administrative sup-
 2 port personnel of the Naval Audit Service that are associ-
 3 ated with the reorganization or relocation of the perform-
 4 ance of the auditing functions of the Navy until 60 days
 5 after the date on which the Secretary submits to the con-
 6 gressional defense committees a report that sets forth in
 7 detail the Navy's plans and justification for the reorga-
 8 nization or relocation, as the case may be.

9 **SEC. 368. INVESTMENT OF COMMISSARY TRUST REVOLV-**
 10 **ING FUND.**

11 Section 2486 of title 10, United States Code, is
 12 amended—

13 (1) in subsection (g)(5), by striking “(5) In this
 14 subsection” and inserting “(i) COMMISSARY TRUST
 15 REVOLVING FUND DEFINED.—In this section”; and

16 (2) by inserting after subsection (g)(4) the fol-
 17 lowing:

18 “(h) INVESTMENT OF COMMISSARY TRUST REVOLV-
 19 ING FUND.—The Secretary of Defense shall invest such
 20 portion of the commissary trust revolving fund as is not,
 21 in the judgment of the Secretary, required to meet current
 22 withdrawals. The investments shall be in public debt secu-
 23 rities with maturities suitable to the needs of the fund,
 24 as determined by the Secretary, and bearing interest at
 25 rates determined by the Secretary of the Treasury, taking

1 into consideration current market yields on outstanding
 2 marketable obligations of the United States of comparable
 3 maturities. The income derived from the investments shall
 4 be credited to and form a part of the fund.”.

5 **SEC. 369. ECONOMIC PROCUREMENT OF DISTILLED SPIR-**
 6 **ITS.**

7 Subsection 2488(c) of title 10, United States Code,
 8 is amended—

9 (1) by striking paragraph (2); and

10 (2) by redesignating paragraph (3) as para-
 11 graph (2).

12 **SEC. 370. RESALE OF ARMOR-PIERCING AMMUNITION DIS-**
 13 **POSED OF BY THE ARMY.**

14 (a) RESTRICTION.—(1) Chapter 443 of title 10,
 15 United States Code, is amended by adding at the end the
 16 following:

17 **“§ 4688. Armor-piercing ammunition and components:**
 18 **condition on disposal**

19 “(a) LIMITATION ON RESALE OR OTHER TRANS-
 20 FER.—Except as provided in subsection (b), whenever the
 21 Secretary of the Army carries out a disposal (by sale or
 22 otherwise) of armor-piercing ammunition, or a component
 23 of armor-piercing ammunition, the Secretary shall require
 24 as a condition of the disposal that the recipient agree in
 25 writing not to sell or otherwise transfer any of the ammu-

1 nition (reconditioned or otherwise), or any armor-piercing
 2 component of that ammunition, to any purchaser in the
 3 United States other than a law enforcement or other gov-
 4 ernmental agency.

5 “(b) EXCEPTION.—Subsection (a) does not apply to
 6 a transfer of a component of armor-piercing ammunition
 7 solely for the purpose of metal reclamation by means of
 8 a destructive process such as melting, crushing, or shred-
 9 ding.

10 “(c) SPECIAL RULE FOR NON-ARMOR-PIERCING
 11 COMPONENTS.—A component of the armor-piercing am-
 12 munition that is not itself armor-piercing and is not sub-
 13 jected to metal reclamation as described in subsection (b)
 14 may not be used as a component in the production of new
 15 or remanufactured armor-piercing ammunition other than
 16 for sale to a law enforcement or other governmental agen-
 17 cy or for a government-to-government sale or commercial
 18 export to a foreign government under the Arms Export
 19 Control Act.

20 “(d) DEFINITION.—In this section, the term ‘armor-
 21 piercing ammunition’ means a center-fire cartridge the
 22 military designation of which includes the term ‘armor
 23 penetrator’ or ‘armor-piercing’, including a center-fire car-
 24 tridge designated as armor-piercing incendiary (API) or
 25 armor-piercing incendiary-tracer (API-T).’.

1 (2) The table of sections at the beginning of such
2 chapter is amended by adding at the end the following:

“4688. Armor-piercing ammunition and components: condition on disposal.”.

3 (b) APPLICABILITY.—Section 4688 of title 10, United
4 States Code (as added by subsection (a)), shall apply with
5 respect to any disposal of ammunition or components re-
6 ferred to in that section after the date of the enactment
7 of this Act.

8 **SEC. 371. DAMAGE TO AVIATION FACILITIES CAUSED BY AL-**
9 **KALI SILICA REACTIVITY.**

10 (a) ASSESSMENT REQUIRED.—The Secretary of De-
11 fense shall assess the damage caused to aviation facilities
12 of the Department of Defense by alkali silica reactivity.
13 In making the assessment, the Secretary shall review the
14 department’s aviation facilities throughout the world.

15 (b) DAMAGE PREVENTION AND MITIGATION PLAN.—
16 (1) Taking into consideration the assessment under sub-
17 section (a), the Secretary may develop and, during fiscal
18 years 2001 through 2006, carry out a plan to prevent and
19 mitigate damage to the aviation facilities of the Depart-
20 ment of Defense as a result of alkali silica reactivity.

21 (2) A plan developed under paragraph shall provide
22 for the following:

23 (A) Treatment of alkali silica reactivity in pave-
24 ment and structures at a selected test site.

1 (B) The demonstration and deployment of tech-
 2 nologies capable of mitigating alkali silica reactivity
 3 in hardened concrete structures and pavements.

4 (C) The promulgation of specific guidelines for
 5 appropriate testing and use of lithium salts to pre-
 6 vent alkali silica reactivity in new construction.

7 (c) DELEGATION OF AUTHORITY.—The Secretary
 8 shall direct the Chief of Engineers of the Army and the
 9 Commander of the Naval Facilities Engineering Command
 10 to carry out the assessment required by subsection (a) and
 11 to develop and carry out the plan required by subsection
 12 (b).

13 (d) FUNDING.—Of the amounts authorized to be ap-
 14 propriated under section 301, not more than \$5,000,000
 15 is available for carrying out this section.

16 **SEC. 372. REAUTHORIZATION OF PILOT PROGRAM FOR AC-**
 17 **CEPTANCE AND USE OF LANDING FEES**
 18 **CHARGED FOR USE OF DOMESTIC MILITARY**
 19 **AIRFIELDS BY CIVIL AIRCRAFT.**

20 (a) REAUTHORIZATION.—Subsection (a) of section
 21 377 of the Strom Thurmond National Defense Authoriza-
 22 tion Act for Fiscal Year 1999 (Public Law 105–261; 112
 23 Stat. 1993; 10 U.S.C. 113 note) is amended as follows:

24 (1) by striking “1999 and 2000” and inserting
 25 “2001 through 2010”; and

1 (2) by striking the second sentence and insert-
2 ing “The pilot program under this section may not
3 be carried out after September 30, 2010.”.

4 (b) FEES COLLECTED.—Subsection (b) of such sec-
5 tion is amended to read as follows:

6 “(b) LANDING FEE DEFINED.—For the purposes of
7 this section, the term ‘landing fee’ means any fee that is
8 established under or in accordance with regulations of the
9 military department concerned (whether prescribed in a
10 fee schedule or imposed under a joint-use agreement) to
11 recover costs incurred for use by civil aircraft of an airfield
12 of the military department in the United States or in a
13 territory or possession of the United States.”.

14 (c) USE OF PROCEEDS.—Subsection (c) of such sec-
15 tion is amended by striking “Amounts received for a fiscal
16 year in payment of landing fees imposed under the pilot
17 program for use of a military airfield” and inserting
18 “Amounts received in payment of landing fees for use of
19 a military airfield in a fiscal year of the pilot program”.

20 (d) REPORT.—Subsection (d) of such section is
21 amended—

22 (1) by striking “March 31, 2000,” and insert-
23 ing “March 31, 2003,”; and

24 (2) by striking “December 31, 1999” and in-
25 serting “December 31, 2002”.

1 **SEC. 373. REIMBURSEMENT BY CIVIL AIR CARRIERS FOR**
2 **SUPPORT PROVIDED AT JOHNSTON ATOLL.**

3 (a) IN GENERAL.—Chapter 949 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 9783. Johnston Atoll: reimbursement for support**
7 **provided to civil air carriers**

8 “(a) AUTHORITY OF THE SECRETARY.—The Sec-
9 retary of the Air Force may, under regulations prescribed
10 by the Secretary, require payment by a civil air carrier
11 for support provided by the United States to the carrier
12 at Johnston Atoll that is either—

13 “(1) requested by the civil air carrier; or

14 “(2) determined under the regulations as being
15 necessary to accommodate the civil air carrier’s use
16 of Johnston Atoll.

17 “(b) AMOUNT OF CHARGES.—Any amount charged
18 an air carrier under subsection (a) for support shall be
19 equal to the total amount of the actual costs to the United
20 States of providing the support. The amount charged may
21 not include any amount for an item of support that does
22 not satisfy a condition described in paragraph (1) or (2)
23 of subsection (a).

24 “(c) RELATIONSHIP TO LANDING FEES.—No landing
25 fee shall be charged an air carrier for a landing of an air-
26 craft of the air carrier at Johnston Atoll if the air carrier

1 is charged under subsection (a) for support provided to
2 the air carrier.

3 “(d) DISPOSITION OF PAYMENTS.—(1) Notwith-
4 standing any other provision of law, amounts collected
5 from an air carrier under this section shall be credited
6 to appropriations available for the fiscal year in which col-
7 lected, as follows:

8 “(A) For support provided by the Air Force, to
9 appropriations available for the Air Force for oper-
10 ation and maintenance.

11 “(B) For support provided by the Army, to ap-
12 propriations available for the Army for chemical de-
13 militarization.

14 “(2) Amounts credited to an appropriation under
15 paragraph (1) shall be merged with funds in that appro-
16 priation and shall be available, without further appropria-
17 tion, for the purposes and period for which the appropria-
18 tion is available.

19 “(e) DEFINITIONS.—In this section:

20 “(1) The term ‘civil air carrier’ means an air
21 carrier (as defined in section 40101(a)(2) of title
22 49) that is issued a certificate of public convenience
23 and necessity under section 41102 of such title.

24 “(2) The term ‘support’ includes fuel, fire res-
25 cue, use of facilities, improvements necessary to ac-

1 commodate use by civil air carriers, police, safety,
 2 housing, food, air traffic control, suspension of mili-
 3 tary operations on the island (including operations
 4 at the Johnston Atoll Chemical Agent Demilitariza-
 5 tion System), repairs, and any other construction,
 6 services, or supplies.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 at the beginning of such chapter is amended by adding
 9 at the end the following new item:

“9783. Johnston Atoll: reimbursement for support provided to civil air car-
 riers.”.

10 **SEC. 374. REVIEW OF COSTS OF MAINTAINING HISTORICAL**
 11 **PROPERTIES.**

12 (a) REQUIREMENT FOR REVIEW.—The Comptroller
 13 General of the United States shall conduct a review of the
 14 annual costs incurred by the Department of Defense to
 15 comply with the requirements of the National Historic
 16 Preservation Act (16 U.S.C. 470 et seq.).

17 (b) REPORT.—Not later than February 28, 2001, the
 18 Comptroller General shall submit to the congressional de-
 19 fense committees a report on the results of the review.
 20 The report shall contain the following:

21 (1) For each military department and Defense
 22 Agency and for the Department of Defense in the
 23 aggregate, the cost for fiscal year 2000 and the pro-
 24 jected costs for the ensuing 10 fiscal years.

1 (2) An analysis of the cost to maintain only
2 those properties that qualified as historic properties
3 under the National Historic Preservation Act when
4 such Act was originally enacted.

5 (3) The accounts used for paying the costs of
6 complying with the requirements of the National
7 Historic Preservation Act.

8 (4) For each military department and Defense
9 Agency, the identity of all properties that must be
10 maintained in order to comply with the requirements
11 of the National Historic Preservation Act.

12 **SEC. 375. EXTENSION OF AUTHORITY TO SELL CERTAIN**
13 **AIRCRAFT FOR USE IN WILDFIRE SUPPRES-**
14 **SION.**

15 Section 2 of the Wildfire Suppression Aircraft Trans-
16 fer Act of 1996 (Public Law 104–307) is amended—

17 (1) in subsection (a)(1) by striking “September
18 30, 2000” and inserting “September 30, 2005”;

19 (2) by adding at the end of subsection (d)(1)
20 the following: “After taking effect, the regulations
21 shall be effective until the end of the period specified
22 in subsection (a)(1).”;

23 (3) in subsection (f), by striking “March 31,
24 2000” and inserting “March 31, 2005”.

1 **SEC. 376. OVERSEAS AIRLIFT SERVICE ON CIVIL RESERVE**
2 **AIR FLEET AIRCRAFT.**

3 (a) IN GENERAL.—Section 41106(a) of title 49,
4 United States Code, is amended—

5 (1) by striking “GENERAL.—(1) Except as pro-
6 vided in subsection (b),” and inserting “INTERSTATE
7 TRANSPORTATION.—(1) Except as provided in sub-
8 section (d),”;

9 (2) in paragraph (1), by striking “of at least 31
10 days”;

11 (3) by redesignating subsection (b) as sub-
12 section (d); and

13 (4) by inserting after subsection (a) the fol-
14 lowing:

15 “(b) TRANSPORTATION BETWEEN THE UNITED
16 STATES AND FOREIGN LOCATIONS.—Except as provided
17 in subsection (d), the transportation of passengers or
18 property by transport category aircraft between a place
19 in the United States and a place outside the United States
20 obtained by the Secretary of Defense or the Secretary of
21 a military department through a contract for airlift service
22 may be provided by an air carrier referred to in subsection
23 (a).

24 “(c) TRANSPORTATION BETWEEN FOREIGN LOCA-
25 TIONS.—The transportation of passengers or property by
26 transport category aircraft between two places outside the

1 United States obtained by the Secretary of Defense or the
 2 Secretary of a military department through a contract for
 3 airlift service shall be provided by an air carrier that has
 4 aircraft in the civil reserve air fleet whenever transpor-
 5 tation by such an air carrier is reasonably available.”.

6 (b) EFFECTIVE DATE.—The amendments made by
 7 this section shall take effect on October 1, 2000.

8 **TITLE IV—MILITARY**
 9 **PERSONNEL AUTHORIZATIONS**
 10 **Subtitle A—Active Forces**

11 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

12 The Armed Forces are authorized strengths for active
 13 duty personnel as of September 30, 2001, as follows:

- 14 (1) The Army, 480,000.
 15 (2) The Navy, 372,000.
 16 (3) The Marine Corps, 172,600.
 17 (4) The Air Force, 357,000.

18 **Subtitle B—Reserve Forces**

19 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

20 (a) IN GENERAL.—The Armed Forces are authorized
 21 strengths for Selected Reserve personnel of the reserve
 22 components as of September 30, 2001, as follows:

- 23 (1) The Army National Guard of the United
 24 States, 350,088.
 25 (2) The Army Reserve, 205,000.

1 (3) The Naval Reserve, 88,900.

2 (4) The Marine Corps Reserve, 39,558.

3 (5) The Air National Guard of the United
4 States, 108,022.

5 (6) The Air Force Reserve, 74,300.

6 (7) The Coast Guard Reserve, 8,500.

7 (b) ADJUSTMENTS.—The end strengths prescribed by
8 subsection (a) for the Selected Reserve of any reserve com-
9 ponent shall be proportionately reduced by—

10 (1) the total authorized strength of units orga-
11 nized to serve as units of the Selected Reserve of
12 such component which are on active duty (other
13 than for training) at the end of the fiscal year; and

14 (2) the total number of individual members not
15 in units organized to serve as units of the Selected
16 Reserve of such component who are on active duty
17 (other than for training or for unsatisfactory partici-
18 pation in training) without their consent at the end
19 of the fiscal year.

20 Whenever such units or such individual members are re-
21 leased from active duty during any fiscal year, the end
22 strength prescribed for such fiscal year for the Selected
23 Reserve of such reserve component shall be proportion-
24 ately increased by the total authorized strengths of such
25 units and by the total number of such individual members.

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
2 **DUTY IN SUPPORT OF THE RESERVES.**

3 Within the end strengths prescribed in section
4 411(a), the reserve components of the Armed Forces are
5 authorized, as of September 30, 2001, the following num-
6 ber of Reserves to be serving on full-time active duty or
7 full-time duty, in the case of members of the National
8 Guard, for the purpose of organizing, administering, re-
9 cruiting, instructing, or training the reserve components:

10 (1) The Army National Guard of the United
11 States, 22,536.

12 (2) The Army Reserve, 12,806.

13 (3) The Naval Reserve, 14,649.

14 (4) The Marine Corps Reserve, 2,261.

15 (5) The Air National Guard of the United
16 States, 11,170.

17 (6) The Air Force Reserve, 1,278.

18 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
19 **(DUAL STATUS).**

20 The minimum number of military technicians (dual
21 status) as of the last day of fiscal year 2001 for the re-
22 serve components of the Army and the Air Force (notwith-
23 standing section 129 of title 10, United States Code) shall
24 be the following:

25 (1) For the Army Reserve, 5,249.

1 (2) For the Army National Guard of the United
2 States, 22,357.

3 (3) For the Air Force Reserve, 9,733.

4 (4) For the Air National Guard of the United
5 States, 22,221.

6 **SEC. 414. FISCAL YEAR 2001 LIMITATION ON NON-DUAL STA-**
7 **TUS TECHNICIANS.**

8 (a) **LIMITATION.**—The number of non-dual status
9 technicians employed by the reserve components of the
10 Army and the Air Force as of September 30, 2001, may
11 not exceed the following:

12 (1) For the Army Reserve, 1,195.

13 (2) For the Army National Guard of the United
14 States, 1,600.

15 (3) For the Air Force Reserve, 0.

16 (4) For the Air National Guard of the United
17 States, 326.

18 (b) **NON-DUAL STATUS TECHNICIANS DEFINED.**—In
19 this section, the term “non-dual status technician” has the
20 meaning given the term in section 10217(a) of title 10,
21 United States Code.

22 (c) **POSTPONEMENT OF PERMANENT LIMITATION.**—
23 Section 10217(c)(2) of title 10, United States Code, is
24 amended by striking “October 1, 2001” and inserting
25 “October 1, 2002”.

SEC. 415. INCREASE IN NUMBERS OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,227	1,071	898	140
Lieutenant Colonel or Commander	1,687	520	844	90
Colonel or Navy Captain	511	188	317	30”.

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of title 10, United States Code, is amended to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
E-9	662	202	501	20
E-8	2,676	429	1,102	94”.

Subtitle C—Other Matters Relating to Personnel Strengths

SEC. 421. SUSPENSION OF STRENGTH LIMITATIONS DURING WAR OR NATIONAL EMERGENCY.

(a) SENIOR ENLISTED MEMBERS.—Section 517 of title 10, United States Code, is amended by adding at the end the following new subsection (c):

“(c) The Secretary of Defense may suspend the operation of this section in time of war or of national emergency declared by the Congress or by the President. Any suspension shall, if not sooner ended, end on the last day of the 2-year period beginning on the date on which the

1 suspension (or the last extension thereof) takes effect or
 2 on the last day of the 1-year period beginning on the date
 3 of the termination of the war or national emergency,
 4 whichever occurs first. Title II of the National Emer-
 5 gencies Act (50 U.S.C. 1621–1622) shall not apply to an
 6 extension under this subsection.”.

7 (b) SENIOR AGR PERSONNEL.—(1) Chapter 1201 of
 8 such title is amended by adding at the end the following:
 9 **“§ 12013. Authority to suspend sections 12011 and**
 10 **12012**

11 “The Secretary of Defense may suspend the oper-
 12 ation of section 12011 or 12012 of this title in time of
 13 war or of national emergency declared by the Congress
 14 or by the President. Any suspension shall, if not sooner
 15 ended, end on the last day of the 2-year period beginning
 16 on the date on which the suspension (or the last extension
 17 thereof) takes effect or on the last day of the 1-year period
 18 beginning on the date of the termination of the war or
 19 national emergency, whichever occurs first. Title II of the
 20 National Emergencies Act (50 U.S.C. 1621–1622) shall
 21 not apply to an extension under this subsection.”.

22 (2) The table of sections at the beginning of such
 23 chapter is amended by adding at the end the following:

“12013. Authority to suspend sections 12011 and 12012.”.

1 **SEC. 422. EXCLUSION OF CERTAIN RESERVE COMPONENT**
 2 **MEMBERS ON ACTIVE DUTY FOR MORE THAN**
 3 **180 DAYS FROM ACTIVE COMPONENT END**
 4 **STRENGTHS.**

5 Section 115(d) of title 10, United States Code, is
 6 amended by adding at the end the following new para-
 7 graph:

8 “(9) Members of reserve components (not de-
 9 scribed in paragraph (8)) on active duty for more
 10 than 180 days to perform special work in support of
 11 the armed forces (other than in support of the Coast
 12 Guard) and the combatant commands, except that
 13 the number of the members excluded under this
 14 paragraph may not exceed the number equal to two-
 15 tenths of one percent of the end strength authorized
 16 for active-duty personnel under subsection
 17 (a)(1)(A).”.

18 **SEC. 423. EXCLUSION OF ARMY AND AIR FORCE MEDICAL**
 19 **AND DENTAL OFFICERS FROM LIMITATION**
 20 **ON STRENGTHS OF RESERVE COMMISSIONED**
 21 **OFFICERS IN GRADES BELOW BRIGADIER**
 22 **GENERAL.**

23 Section 12005(a) of title 10, United States Code, is
 24 amended by adding at the end the following:

25 “(3) Medical officers and dental officers shall not be
 26 counted for the purposes of this subsection.”.

1 **SEC. 424. AUTHORITY FOR TEMPORARY INCREASES IN**
2 **NUMBER OF RESERVE PERSONNEL SERVING**
3 **ON ACTIVE DUTY OR FULL-TIME NATIONAL**
4 **GUARD DUTY IN CERTAIN GRADES.**

5 (a) OFFICERS.—Section 12011 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new subsection:

8 “(c) Upon increasing under subsection (c)(2) of sec-
9 tion 115 of this title the end strength that is authorized
10 under subsection (a)(1)(B) of that section for a fiscal year
11 for active-duty personnel and full-time National Guard
12 duty personnel of an armed force who are to be paid from
13 funds appropriated for reserve personnel, the Secretary of
14 Defense may increase for that fiscal year the limitation
15 that is set forth in subsection (a) of this section for the
16 number of officers of that armed force serving in any
17 grade if the Secretary determines that such action is in
18 the national interest. The percent of the increase may not
19 exceed the percent by which the Secretary increases that
20 end strength.”.

21 (b) ENLISTED PERSONNEL.—Section 12012 of title
22 10, United States Code, is amended by adding at the end
23 the following new subsection:

24 “(c) Upon increasing under subsection (c)(2) of sec-
25 tion 115 of this title the end strength that is authorized
26 under subsection (a)(1)(B) of that section for a fiscal year

1 for active-duty personnel and full-time National Guard
 2 duty personnel of an armed force who are to be paid from
 3 funds appropriated for reserve personnel, the Secretary of
 4 Defense may increase for that fiscal year the limitation
 5 that is set forth in subsection (a) of this section for the
 6 number of enlisted members of that armed force serving
 7 in any grade if the Secretary determines that such action
 8 is in the national interest. The percent of the increase may
 9 not exceed the percent by which the Secretary increases
 10 that end strength.”.

11 **SEC. 425. TEMPORARY EXEMPTION OF DIRECTOR OF THE**
 12 **NATIONAL SECURITY AGENCY FROM LIMITA-**
 13 **TIONS ON NUMBER OF AIR FORCE OFFICERS**
 14 **ABOVE MAJOR GENERAL.**

15 Section 525(b) of title 10, United States Code, is
 16 amended by adding at the end the following new para-
 17 graph:

18 “(8) An Air Force officer while serving as Director
 19 of the National Security Agency is in addition to the num-
 20 ber that would otherwise be permitted for the Air Force
 21 for officers serving on active duty in grades above major
 22 general under paragraph (1) and the number that would
 23 otherwise be permitted for the Air Force for officers serv-
 24 ing on active duty in grades above brigadier general under

1 subsection (a). This paragraph shall not be effective after
 2 September 30, 2005.”.

3 **Subtitle D—Authorization of** 4 **Appropriations**

5 **SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILI-** 6 **TARY PERSONNEL.**

7 There is hereby authorized to be appropriated to the
 8 Department of Defense for military personnel for fiscal
 9 year 2001 a total of \$75,632,266,000. The authorization
 10 in the preceding sentence supersedes any other authoriza-
 11 tion of appropriations (definite or indefinite) for such pur-
 12 pose for fiscal year 2001.

13 **TITLE V—MILITARY PERSONNEL** 14 **POLICY**

15 **SEC. 501. ELIGIBILITY OF ARMY RESERVE COLONELS AND** 16 **BRIGADIER GENERALS FOR POSITION VA-** 17 **CANCY PROMOTIONS.**

18 Section 14315(b)(1) of title 10, United States Code,
 19 is amended by inserting after “(A) is assigned to the du-
 20 ties of a general officer of the next higher reserve grade
 21 in the Army Reserve” the following: “or is recommended
 22 for such an assignment under regulations prescribed by
 23 the Secretary of the Army”.

1 **SEC. 502. PROMOTION ZONES FOR COAST GUARD RESERVE**
2 **OFFICERS.**

3 (a) FLEXIBLE AUTHORITY TO MEET COAST GUARD
4 NEEDS.—Section 729(d) of title 14, United States Code,
5 is amended to read as follows:

6 “(d)(1) Before convening a selection board to rec-
7 ommend Reserve officers for promotion, the Secretary
8 shall establish a promotion zone for officers serving in
9 each grade and competitive category to be considered by
10 the board. The Secretary shall determine the number of
11 officers in the promotion zone for officers serving in any
12 grade and competitive category from among officers who
13 are eligible for promotion in that grade and competitive
14 category.

15 “(2) Before convening a selection board to rec-
16 ommend Reserve officers for promotion to a grade above
17 lieutenant (junior grade), the Secretary shall determine
18 the maximum number of officers in that grade and com-
19 petitive category that the board may recommend for pro-
20 motion. The Secretary shall make the determination under
21 the preceding sentence of the maximum number that may
22 be recommended with a view to having in an active status
23 a sufficient number of Reserve officers in each grade and
24 competitive category to meet the needs of the Coast Guard
25 for Reserve officers in an active status. In order to make
26 that determination, the Secretary shall determine (A) the

1 number of positions needed to accomplish mission objec-
2 tives which require officers of such competitive category
3 in the grade to which the board will recommend officers
4 for promotion, (B) the estimated number of officers need-
5 ed to fill vacancies in such positions during the period in
6 which it is anticipated that officers selected for promotion
7 will be promoted, (C) the number of officers authorized
8 by the Secretary to serve in an active status in the grade
9 and competitive category under consideration, and (D)
10 any statutory limitation on the number of officers in any
11 grade or category (or combination thereof) authorized to
12 be in an active status.

13 “(3)(A) The Secretary may, when the needs of the
14 Coast Guard require, authorize the consideration of offi-
15 cers in a grade above lieutenant (junior grade) for pro-
16 motion to the next higher grade from below the promotion
17 zone.

18 “(B) When selection from below the promotion zone
19 is authorized, the Secretary shall establish the number of
20 officers that may be recommended for promotion from
21 below the promotion zone in each competitive category to
22 be considered. That number may not exceed the number
23 equal to 10 percent of the maximum number of officers
24 that the board is authorized to recommend for promotion
25 in such competitive category, except that the Secretary

1 may authorize a greater number, not to exceed 15 percent
2 of the total number of officers that the board is authorized
3 to recommend for promotion, if the Secretary determines
4 that the needs of the Coast Guard so require. If the max-
5 imum number determined under this paragraph is less
6 than one, the board may recommend one officer for pro-
7 motion from below the promotion zone.

8 “(C) The number of officers recommended for pro-
9 motion from below the promotion zone does not increase
10 the maximum number of officers that the board is author-
11 ized to recommend for promotion under paragraph (2).”.

12 (b) RUNNING MATE SYSTEM.—(1) Section 731 of
13 such title is amended—

14 (A) by designating the text of such section as
15 subsection (b);

16 (B) by inserting after the section heading the
17 following:

18 “(a) AUTHORITY TO USE RUNNING MATE SYS-
19 TEM.—The Secretary may by regulation implement sec-
20 tion 729(d)(1) of this title by requiring that the promotion
21 zone for consideration of Reserve officers in an active sta-
22 tus for promotion to the next higher grade be determined
23 in accordance with a running mate system as provided in
24 subsection (b).”;

1 (C) in subsection (b), as designated by subpara-
 2 graph (A), by striking “Subject to the eligibility re-
 3 quirements of this subchapter, a Reserve officer
 4 shall” and inserting the following: “CONSIDERATION
 5 FOR PROMOTION.—If promotion zones are deter-
 6 mined as authorized under subsection (a), a Reserve
 7 officer shall, subject to the eligibility requirements of
 8 this subchapter,”; and

9 (D) by adding at the end the following:

10 “(c) CONSIDERATION OF OFFICERS BELOW THE
 11 ZONE.—If the Secretary authorizes the selection of offi-
 12 cers for promotion from below the promotion zone in ac-
 13 cordance with section 729(d)(3) of this title, the number
 14 of officers to be considered from below the zone may be
 15 established through the application of the running mate
 16 system under this subchapter or otherwise as the Sec-
 17 retary determines to be appropriate to meet the needs of
 18 the Coast Guard.”.

19 (2)(A) The heading for such section is amended to
 20 read as follows:

21 **“§ 731. Establishment of promotion zones: running**
 22 **mate system”.**

23 (B) The item relating to such section in the table of
 24 sections at the beginning of chapter 21 of title 14, United
 25 States Code, is amended to read as follows:

“731. Establishment of promotion zones: running mate system.”.

1 (c) **EFFECTIVE DATE.**—This section and the amend-
 2 ments made by this section shall take effect on October
 3 1, 2000, and shall apply with respect to selection boards
 4 convened under section 730 of title 14, United States
 5 Code, on or after that date.

6 **SEC. 503. TIME FOR RELEASE OF OFFICER PROMOTION SE-**
 7 **LECTION BOARD REPORTS.**

8 (a) **ACTIVE-DUTY LIST OFFICER BOARDS.**—Section
 9 618(e) of title 10, United States Code, is amended to read
 10 as follows:

11 “(e)(1) The names of the officers recommended for
 12 promotion in the report of a selection board may be dis-
 13 seminated to the armed force concerned as follows:

14 “(A) In the case of officers recommended for
 15 promotion to a grade below brigadier general or rear
 16 admiral (lower half), upon the transmittal of the re-
 17 port to the President.

18 “(B) In the case of officers recommended for
 19 promotion to a grade above colonel or, in the case
 20 of the Navy, captain, upon the approval of the re-
 21 port by the President.

22 “(C) In the case of officers whose names have
 23 not been sooner disseminated, upon confirmation by
 24 the Senate.

1 “(2) A list of names of officers disseminated under
2 paragraph (1) may not include—

3 “(A) any name removed by the President from
4 the report of the selection board containing that
5 name, if dissemination is under the authority of sub-
6 paragraph (B) of such paragraph; or

7 “(B) the name of any officer whose promotion
8 the Senate failed to confirm, if dissemination is
9 under the authority of subparagraph (C) of such
10 paragraph.”.

11 (b) RESERVE ACTIVE-STATUS LIST OFFICER
12 BOARDS.—The text of section 14112 of title 10, United
13 States Code, is amended to read as follows:

14 “(a) TIME FOR DISSEMINATION.—The names of the
15 officers recommended for promotion in the report of a se-
16 lection board may be disseminated to the armed force con-
17 cerned as follows:

18 “(1) In the case of officers recommended for
19 promotion to a grade below brigadier general or rear
20 admiral (lower half), upon the transmittal of the re-
21 port to the President.

22 “(2) In the case of officers recommended for
23 promotion to a grade above colonel or, in the case
24 of the Navy, captain, upon the approval of the re-
25 port by the President.

1 “(3) In the case of officers whose names have
2 not been sooner disseminated, upon confirmation by
3 the Senate.

4 “(b) NAMES NOT DISSEMINATED.—A list of names
5 of officers disseminated under subsection (a) may not
6 include—

7 “(1) any name removed by the President from
8 the report of the selection board containing that
9 name, if dissemination is under the authority of
10 paragraph (2) of such subsection; or

11 “(2) the name of any officer whose promotion
12 the Senate failed to confirm, if dissemination is
13 under the authority of paragraph (3) of such sub-
14 section.”.

15 **SEC. 504. CLARIFICATION OF AUTHORITY FOR POST-**
16 **HUMOUS COMMISSIONS AND WARRANTS.**

17 Section 1521(a)(3) of title 10, United States Code,
18 is amended to read as follows:

19 “(3) was officially recommended for appoint-
20 ment or promotion to a commissioned grade but died
21 in line of duty before the appointment or promotion
22 was approved by the Secretary concerned or before
23 accepting the appointment or promotion.”.

1 **SEC. 505. INAPPLICABILITY OF ACTIVE-DUTY LIST PRO-**
 2 **MOTION, SEPARATION, AND INVOLUNTARY**
 3 **RETIREMENT AUTHORITIES TO RESERVE**
 4 **GENERAL AND FLAG OFFICERS SERVING IN**
 5 **CERTAIN POSITIONS DESIGNATED FOR RE-**
 6 **SERVE OFFICERS BY THE CHAIRMAN OF THE**
 7 **JOINT CHIEFS OF STAFF.**

8 Section 641(1)(B) of title 10, United States Code,
 9 is amended by inserting “526(b)(2)(A),” after “on active
 10 duty under section”.

11 **SEC. 506. REVIEW OF ACTIONS OF SELECTION BOARDS.**

12 (a) IN GENERAL.—(1) Chapter 79 of title 10, United
 13 States Code, is amended by adding at the end the fol-
 14 lowing:

15 **“§ 1558. Exclusive remedies in cases involving selec-**
 16 **tion boards**

17 “(a) CORRECTION OF MILITARY RECORDS.—The
 18 Secretary concerned may correct a person’s military
 19 records in accordance with a recommendation made by a
 20 special board. Any such correction shall be effective, retro-
 21 actively, as of the effective date of the action taken on
 22 a report of a previous selection board that resulted in the
 23 action corrected in the person’s military records.

24 “(b) RELIEF ASSOCIATED WITH CORRECTIONS OF
 25 CERTAIN ACTIONS.—(1) The Secretary concerned shall

1 ensure that a person receives relief under paragraph (2)
2 or (3), as the person may elect, if the person—

3 “(A) was separated or retired from an armed
4 force, or transferred to the retired reserve or to inactive
5 status in a reserve component, as a result of a
6 recommendation of a selection board; and

7 “(B) becomes entitled to retention on or restoration
8 to active duty or active status in a reserve
9 component as a result of a correction of the person’s
10 military records under subsection (a).

11 “(2)(A) With the consent of a person referred to in
12 paragraph (1), the person shall be retroactively and prospectively
13 restored to the same status, rights, and entitlements (less appropriate
14 offsets against back pay and allowances) in the person’s armed force as the person would
15 have had if the person had not been selected to be separated, retired,
16 or transferred to the retired reserve or to inactive status in a reserve
17 component, as the case may be, as a result of an action corrected under subsection (a).
18 An action under this subparagraph is subject to subparagraph (B).

19 “(B) Nothing in subparagraph (A) shall be construed
20 to permit a person to be on active duty or in an active
21 status in a reserve component after the date on which the
22 person would have been separated, retired, or transferred

1 to the retired reserve or to inactive status in a reserve
2 component if the person had not been selected to be sepa-
3 rated, retired, or transferred to the retired reserve or to
4 inactive status in a reserve component, as the case may
5 be, in an action of a selection board that is corrected under
6 subsection (a).

7 “(3) If the person does not consent to a restoration
8 of status, rights, and entitlements under paragraph (2),
9 the person shall receive back pay and allowances (less ap-
10 propriate offsets) and service credit for the period begin-
11 ning on the date of the person’s separation, retirement,
12 or transfer to the retired reserve or to inactive status in
13 a reserve component, as the case may be, and ending on
14 the earlier of—

15 “(A) the date on which the person would have
16 been so restored under paragraph (2), as determined
17 by the Secretary concerned; or

18 “(B) the date on which the person would other-
19 wise have been separated, retired, or transferred to
20 the retired reserve or to inactive status in a reserve
21 component, as the case may be.

22 “(c) FINALITY OF UNFAVORABLE ACTION.—If a spe-
23 cial board makes a recommendation not to correct the
24 military records of a person regarding action taken in the
25 case of that person on the basis of a previous report of

1 a selection board, the action previously taken on that re-
2 port shall be considered as final as of the date of the ac-
3 tion taken on that report.

4 “(d) REGULATIONS.—(1) The Secretary concerned
5 may prescribe regulations to carry out this section (other
6 than subsection (e)) with respect to the armed force or
7 armed forces under the jurisdiction of the Secretary.

8 “(2) The Secretary may prescribe in the regulations
9 the circumstances under which consideration by a special
10 board may be provided for under this section, including
11 the following:

12 “(A) The circumstances under which consider-
13 ation of a person’s case by a special board is contin-
14 gent upon application by or for that person.

15 “(B) Any time limits applicable to the filing of
16 an application for consideration.

17 “(3) Regulations prescribed by the Secretary of a
18 military department under this subsection shall be subject
19 to the approval of the Secretary of Defense.

20 “(e) JUDICIAL REVIEW.—(1) A person challenging
21 for any reason the action or recommendation of a selection
22 board, or the action taken by the Secretary concerned on
23 the report of a selection board, is not entitled to relief in
24 any judicial proceeding unless the person has first been

1 considered by a special board under this section or the
2 Secretary concerned has denied such consideration.

3 “(2) In reviewing an action or recommendation of a
4 special board or an action of the Secretary concerned on
5 the report of a special board, a court may hold unlawful
6 and set aside the recommendation or action, as the case
7 may be, only on the following bases:

8 “(A) The action or recommendation of the spe-
9 cial board or the action of the Secretary concerned,
10 as the case may be, was not in compliance with the
11 applicable procedures.

12 “(B) Any such action or recommendation is
13 contrary to law.

14 “(3) In reviewing a decision by the Secretary con-
15 cerned to deny consideration by a special board in any
16 case, a court may hold unlawful and set aside the decision
17 only on the following bases:

18 “(A) The decision was not made in accordance
19 with applicable procedures.

20 “(B) The decision is arbitrary, capricious, or
21 otherwise contrary to law.

22 “(f) EXCLUSIVITY OF REMEDIES.—Notwithstanding
23 any other provision of law, but subject to subsection (g),
24 the remedies provided under this section are the only rem-
25 edies available to a person for correcting an action or rec-

ommendation of a selection board regarding that person
 or an action taken on the report of a selection board re-
 garding that person.

“(g) EXISTING JURISDICTION.—(1) Nothing in this
 section limits the jurisdiction of any court of the United
 States under any provision of law to determine the validity
 of any statute, regulation, or policy relating to selection
 boards, except that, in the event that any such statute,
 regulation, or policy is held invalid, the remedies pre-
 scribed in this section shall be the sole and exclusive rem-
 edies available to any person challenging the recommenda-
 tion of a special board on the basis of the invalidity.

“(2) Nothing in this section limits authority to cor-
 rect a military record under section 1552 of this title.

“(h) INAPPLICABILITY TO COAST GUARD.—This sec-
 tion does not apply to the Coast Guard when it is not
 operating as a service in the Navy.

“(i) DEFINITIONS.—In this section:

“(1) The term ‘special board’—

“(A) means a board that the Secretary
 concerned convenes under any authority to con-
 sider whether to recommend a person for ap-
 pointment, enlistment, reenlistment, assign-
 ment, promotion, retention, separation, retire-
 ment, or transfer to inactive status in a reserve

1 component instead of referring the records of
2 that person for consideration by a previously
3 convened selection board which considered or
4 should have considered that person;

5 “(B) includes a board for the correction of
6 military or naval records convened under sec-
7 tion 1552 of this title, if designated as a special
8 board by the Secretary concerned; and

9 “(C) does not include a promotion special
10 selection board convened under section 628 or
11 14502 of this title.

12 “(2) The term ‘selection board’—

13 “(A) means a selection board convened
14 under section 573(b), 580, 580a, 581, 611(b),
15 637, 638, 638a, 14101(b), 14701, 14704, or
16 14705 of this title, and any other board con-
17 vened by the Secretary concerned under any au-
18 thority to recommend persons for appointment,
19 enlistment, reenlistment, assignment, pro-
20 motion, or retention in the armed forces or for
21 separation, retirement, or transfer to inactive
22 status in a reserve component for the purpose
23 of reducing the number of persons serving in
24 the armed forces; and

25 “(B) does not include—

1 “(i) a promotion board convened
 2 under section 573(a), 611(a), or 14101(a)
 3 of this title;

4 “(ii) a special board;

5 “(iii) a special selection board con-
 6 vened under section 628 of this title; or

7 “(iv) a board for the correction of
 8 military records convened under section
 9 1552 of this title.”.

10 (2) The table of sections at the beginning of such
 11 chapter is amended by adding at the end the following:

“1558. Exclusive remedies in cases involving selection boards .”.

12 (b) SPECIAL SELECTION BOARDS.—Section 628 of
 13 such title is amended—

14 (1) by redesignating subsection (g) as sub-
 15 section (j); and

16 (2) by inserting after subsection (f) the fol-
 17 lowing:

18 “(g) LIMITATIONS OF OTHER JURISDICTION.—No
 19 official or court of the United States may—

20 “(1) consider any claim based to any extent on
 21 the failure of an officer or former officer of the
 22 armed forces to be selected for promotion by a pro-
 23 motion board until—

24 “(A) the claim has been referred by the
 25 Secretary concerned to a special selection board

1 convened under this section and acted upon by
2 that board and the report of the board has been
3 approved by the President; or

4 “(B) the claim has been rejected by the
5 Secretary of Defense without consideration by a
6 special selection board; or

7 “(2) grant any relief on such a claim unless the
8 officer or former officer has been selected for pro-
9 motion by a special selection board convened under
10 this section to consider the officer’s claim and the
11 report of the board has been approved by the Presi-
12 dent.

13 “(h) JUDICIAL REVIEW.—(1) A court of the United
14 States may review a determination by the Secretary con-
15 cerned under subsection (a)(1) or (b)(1) not to convene
16 a special selection board. If a court finds the determina-
17 tion to be arbitrary or capricious, not based on substantial
18 evidence, or otherwise contrary to law, it shall remand the
19 case to the Secretary concerned, who shall provide for con-
20 sideration of the officer or former officer by a special selec-
21 tion board under this section.

22 “(2) A court of the United States may review the ac-
23 tion of a special selection board convened under this sec-
24 tion on a claim of an officer or former officer and any
25 action taken by the President on the report of the board.

1 If a court finds that the action was contrary to law or
2 involved a material error of fact or a material administra-
3 tive error, it shall remand the case to the Secretary con-
4 cerned, who shall provide for reconsideration of the officer
5 or former officer by another special selection board.

6 “(i) EXISTING JURISDICTION.—(1) Nothing in this
7 section limits the jurisdiction of any court of the United
8 States under any provision of law to determine the validity
9 of any statute, regulation, or policy relating to selection
10 boards, except that, in the event that any such statute,
11 regulation, or policy is held invalid, the remedies pre-
12 scribed in this section shall be the sole and exclusive rem-
13 edies available to any person challenging the recommenda-
14 tion of a selection board on the basis of the invalidity.

15 “(2) Nothing in this section limits authority to cor-
16 rect a military record under section 1552 of this title.”.

17 (c) EFFECTIVE DATE AND APPLICABILITY.—(1) The
18 amendments made by this section shall take effect on the
19 date of the enactment of this Act and, except as provided
20 in paragraph (2), shall apply with respect to any pro-
21 ceeding pending on or after that date without regard to
22 whether a challenge to an action of a selection board of
23 any of the Armed Forces being considered in such pro-
24 ceeding was initiated before, on, or after that date.

1 (2) The amendments made by this section shall not
2 apply with respect to any action commenced in a court
3 of the United States before the date of the enactment of
4 this Act.

5 **SEC. 507. EXTENSION TO ALL AIR FORCE BIOMEDICAL**
6 **SCIENCES OFFICERS OF AUTHORITY TO RE-**
7 **TAIN UNTIL SPECIFIED AGE.**

8 Section 14703(a)(3) of title 10, United States Code,
9 is amended to read as follows:

10 “(3) the Secretary of the Air Force may, with
11 the officer’s consent, retain in an active status any
12 reserve officer who is designated as a medical offi-
13 cer, dental officer, Air Force nurse, Medical Service
14 Corps officer, biomedical sciences officer, or chap-
15 lain.”.

16 **SEC. 508. TERMINATION OF APPLICATION REQUIREMENT**
17 **FOR CONSIDERATION OF OFFICERS FOR**
18 **CONTINUATION ON THE RESERVE ACTIVE-**
19 **STATUS LIST.**

20 Section 14701(a)(1) of title 10, United States Code,
21 is amended by striking “Upon application, a reserve offi-
22 cer” and inserting “A reserve officer”.

1 **SEC. 509. TECHNICAL CORRECTIONS RELATING TO RE-**
2 **TIERED GRADE OF RESERVE COMMISSIONED**
3 **OFFICERS.**

4 (a) ARMY.—Section 3961(a) of title 10, United
5 States Code, is amended by striking “or for nonregular
6 service under chapter 1223 of this title”.

7 (b) AIR FORCE.—Section 8961(a) of title 10, United
8 States Code, is amended by striking “or for nonregular
9 service under chapter 1223 of this title”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 subsections (a) and (b) shall apply to Reserve commis-
12 sioned officers who are promoted to a higher grade as a
13 result of selection for promotion by a board convened
14 under chapter 36 or 1403 of title 10, United States Code,
15 or having been found qualified for Federal recognition in
16 a higher grade under chapter 3 of title 32, United States
17 Code, after October 1, 1996.

18 **SEC. 510. GRADE OF CHIEFS OF RESERVE COMPONENTS**
19 **AND DIRECTORS OF NATIONAL GUARD COM-**
20 **PONENTS.**

21 (a) CHIEF OF ARMY RESERVE.—Section 3038(c) of
22 title 10, United States Code, is amended—

23 (1) by striking “major general” in the third
24 sentence and inserting “lieutenant general”; and

25 (2) by striking the fourth sentence.

1 (b) CHIEF OF NAVAL RESERVE.—Section 5143(c)(2)
2 of such title is amended—

3 (1) by striking “rear admiral” in the first sen-
4 tence and inserting “vice admiral”; and

5 (2) by striking the second sentence.

6 (c) CHIEF OF AIR FORCE RESERVE.—Section
7 8038(c) of such title is amended—

8 (1) by striking “major general” in the third
9 sentence and inserting “lieutenant general”; and

10 (2) by striking the fourth sentence.

11 (d) DIRECTORS IN THE NATIONAL GUARD BU-
12 REAU.—Subparagraphs (A) and (B) of section
13 10506(a)(1) of such title are each amended by striking
14 “the grade of major general or, if appointed to that posi-
15 tion in accordance with section 12505(a)(2) of this title,”.

16 (e) COMMANDER, MARINE FORCES RESERVE.—(1)
17 Section 5144(c)(2) of such title is amended to read as fol-
18 lows:

19 “(2)(A) The Commander, Marine Forces Reserve,
20 while so serving, has the grade of major general, without
21 vacating the officer’s permanent grade. An officer may,
22 however, be assigned to the position of Commander, Ma-
23 rine Forces Reserve, in the grade of lieutenant general if
24 appointed to that grade for service in that position by the
25 President, by and with the advice and consent of the Sen-

1 ate. An officer may be recommended to the President for
2 such an appointment if selected for appointment to that
3 position in accordance with subparagraph (B).

4 “(B) An officer shall be considered to have been se-
5 lected for appointment to the position of Commander, Ma-
6 rine Forces Reserve, in accordance with this subparagraph
7 if—

8 “(i) the officer is recommended for that ap-
9 pointment by the Secretary of the Navy;

10 “(ii) the officer is determined by the Chairman
11 of the Joint Chiefs of Staff, in accordance with cri-
12 teria and as a result of a process established by the
13 Chairman, to have significant joint duty experience;
14 and

15 “(iii) the officer is recommended by the Sec-
16 retary of Defense to the President for the appoint-
17 ment.”.

18 (2) Until October 1, 2002, the Secretary of Defense
19 may, on a case-by-case basis, waive clause (ii) of section
20 5144(c)(2)(B) of title 10, United States Code (as added
21 by paragraph (1)), with respect to the appointment of an
22 officer to the position of Commander, Marine Forces Re-
23 serve, if in the judgment of the Secretary—

24 (A) the officer is qualified for service in the po-
25 sition; and

1 (B) the waiver is necessary for the good of the
2 service.

3 (f) REPEAL OF SUPERSEDED AUTHORITY.—(1) Sec-
4 tion 12505 of title 10, United States Code, is repealed.

5 (2) The table of sections at the beginning of chapter
6 1213 of such title is amended by striking the item relating
7 to section 12505.

8 (g) EFFECTIVE DATE.—This section and the amend-
9 ments made by this section shall take effect on the earlier
10 of—

11 (1) the date that is 90 days after the date of
12 the enactment of this Act; or

13 (2) January 1, 2001.

14 **Subtitle B—Joint Officer** 15 **Management**

16 **SEC. 521. JOINT SPECIALTY DESIGNATIONS AND ADDI-**
17 **TIONAL IDENTIFIERS.**

18 Section 661 of title 10, United States Code, is
19 amended to read as follows:

20 **“§ 661. Management policies for joint specialty offi-**
21 **cers**

22 **“(a) ESTABLISHMENT.—**The Secretary of Defense
23 shall establish policies, procedures, and practices for the
24 effective management of officers of the Army, Navy, Air
25 Force, and Marine Corps on the active-duty list who are

1 particularly trained in, and oriented toward, joint matters
2 (as defined in section 668 of this title). Such officers shall
3 be identified or designated (in addition to their principal
4 military occupational specialty) in such manner as the
5 Secretary of Defense directs. For purposes of this chapter,
6 officers to be managed by such policies, procedures, and
7 practices are those who have been designated under sub-
8 section (b) as joint specialty officers.

9 “(b) JOINT SPECIALTY OFFICER DESIGNATION.—(1)
10 The purpose for designation of officers as joint specialty
11 officers is to provide a quickly identifiable group of officers
12 who have the joint service experience and education in
13 joint matters that are especially required for any par-
14 ticular organizational staff or joint task force operation.

15 “(2) To qualify for the joint specialty designation, an
16 officer shall—

17 “(A) have successfully completed—

18 “(i) a program of education in residence at
19 a joint professional military education school
20 accredited as such by the Chairman of the
21 Joint Chiefs of Staff; and

22 “(ii) a full tour of duty in a joint duty as-
23 signment; or

24 “(B) have successfully completed two full tours
25 of duty in joint duty assignments.

1 “(3) The requirements set forth in paragraph (2)(A)
2 may be satisfied in any sequence.

3 “(4) The Secretary of Defense shall prescribe the
4 standards for characterizing the completion of a require-
5 ment under paragraph (2) as successful.

6 “(5) An officer may not be designated as a joint spe-
7 cialty officer unless qualified under paragraph (2).

8 “(c) ADDITIONAL IDENTIFIER.—An officer des-
9 ignated as a joint specialty officer may be awarded an ad-
10 ditional joint specialty identifier as directed by the Sec-
11 retary under subsection (a).

12 “(d) WAIVER AUTHORITY FOR AWARD OF ADDI-
13 TIONAL IDENTIFIER.—(1) The Secretary of Defense may
14 waive the applicability of a requirement for a qualification
15 set forth in subsection (b) for a designation of a particular
16 officer as a joint specialty officer upon the Secretary’s de-
17 termination that, by reason of unusual circumstances ap-
18 plicable in the officer’s case, the officer has one or more
19 qualifications that are comparable to the qualification
20 waived.

21 “(2) The Secretary may grant a waiver for a general
22 or flag officer under paragraph (1) only upon the Sec-
23 retary’s determination that it is necessary to do so in
24 order to meet a critical need of the armed forces.

1 “(3) The Secretary may delegate authority under this
2 subsection only to the Deputy Secretary of Defense or the
3 Chairman of the Joint Chiefs of Staff.

4 “(4) The Secretary of the military department con-
5 cerned may request a waiver under this subsection. A re-
6 quest shall include a full justification for the requested
7 waiver on the basis of the criterion described in paragraph
8 (1) and, in the case of a general or flag officer, the addi-
9 tional criterion described in paragraph (2).

10 “(e) GENERAL AND FLAG OFFICER POSITIONS.—(1)
11 The Secretary of Defense shall designate the joint duty
12 assignments for general or flag officers that must be filled
13 by joint specialty officers.

14 “(2) Only a joint specialty officer may be assigned
15 to a joint duty assignment designated under paragraph
16 (1).

17 “(3) The Secretary may waive the limitation in para-
18 graph (2) if the Secretary determines that it is necessary
19 to do so in the interest of national security.

20 “(f) JOINT PROFESSIONAL MILITARY EDUCATION
21 SCHOOLS.—The Chairman of the Joint Chiefs of Staff
22 shall accredit as joint professional military education
23 schools for the purposes of this chapter the schools that
24 the Chairman determines as being qualified for the accred-
25 itation. A school may not be considered a joint profes-

1 sional military education school for any such purpose un-
 2 less the school is so accredited.”.

3 **SEC. 522. PROMOTION OBJECTIVES.**

4 (a) OBJECTIVES.—Section 662 of title 10, United
 5 States Code, is amended to read as follows:

6 **“§ 662. Promotion policy objectives for joint officers**

7 “(a) QUALIFICATIONS.—The Secretary of Defense
 8 shall ensure that the qualifications of officers assigned to
 9 joint duty assignments and officers whose previous assign-
 10 ment was a joint duty assignment are such that those offi-
 11 cers are expected, as a group, to be promoted to the next
 12 higher grade at a rate not less than the rate for officers
 13 of the same armed force in the same grade and competi-
 14 tive category who are serving on the headquarters staff
 15 of that armed force.

16 “(b) VALIDATION OF QUALIFICATIONS.—(1) The
 17 Secretary of a military department shall validate the quali-
 18 fications of officers under the jurisdiction of the Secretary
 19 for eligibility for joint duty assignments.

20 “(2) The Secretary shall ensure that, under the proc-
 21 ess prescribed under paragraph (3), an adequate number
 22 of the colonels or, in the case of the Navy, captains vali-
 23 dated as qualified for joint duty assignments satisfy the
 24 requirements under section 619a of this title for pro-

1 motion to brigadier general or rear admiral (lower half),
2 respectively.

3 “(3) The Secretary shall prescribe the process for
4 validating qualifications of officers under the jurisdiction
5 of the Secretary in accordance with this subsection.

6 “(c) CONSIDERATION OF JOINT SPECIALTY OFFI-
7 CERS.—(1) The Secretary of Defense shall prescribe poli-
8 cies for ensuring that joint specialty officers eligible for
9 consideration for promotion are appropriately considered
10 for promotion.

11 “(2) The policies shall require the following:

12 “(A) That at least one member of a board con-
13 vened for the selection of officers for promotion to
14 a grade above major or, in the case of the Navy,
15 lieutenant commander is serving in a joint duty as-
16 signment and has been approved by the Chairman of
17 the Joint Chiefs of Staff for appointment to mem-
18 bership on that board.

19 “(B) That the Chairman of the Joint Chiefs of
20 Staff has the opportunity to review the report of
21 each promotion selection board referred to in sub-
22 paragraph (A), and to submit comments on the re-
23 port to the Secretary of Defense and the Secretary
24 of the military department concerned, before the

1 Secretary of that military department takes action
2 on the report.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 38 of title 10, United States
5 Code, is amended by striking the item relating to section
6 662 and inserting the following:

“662. Promotion policy objectives for joint officers.”.

7 **SEC. 523. EDUCATION.**

8 (a) OFFICERS ELIGIBLE FOR WAIVER OF CAPSTONE
9 COURSE REQUIREMENT.—Subsection (a)(1)(C) of section
10 663 of title 10, United States Code, is amended by strik-
11 ing “scientific and technical qualifications” and inserting
12 “career field specialty qualifications”.

13 (b) REPEAL OF REQUIREMENT FOR POST-EDU-
14 CATION JOINT DUTY ASSIGNMENT.—Such section is fur-
15 ther amended by striking subsection (d).

16 **SEC. 524. LENGTH OF JOINT DUTY ASSIGNMENT.**

17 (a) IN GENERAL.—Section 664 of title 10, United
18 States Code, is amended—

19 (1) by striking subsections (a) through (h);

20 (2) by redesignating subsection (i) as subsection
21 (f); and

22 (3) by inserting after the section heading the
23 following:

24 “(a) IN GENERAL.—The length of a joint duty as-
25 signment at an installation or other place of duty shall

1 be equivalent to the standard length of the assignments
2 (other than joint duty assignments) of officers at that in-
3 stallation or other place of duty.

4 “(b) WAIVER AUTHORITY.—The Secretary of De-
5 fense may waive the requirement in subsection (a) for the
6 length of a joint duty assignment in the case of any officer
7 upon a determination by the Secretary that the waiver is
8 critical in the case of that specific officer for meeting mili-
9 tary personnel management requirements.

10 “(c) CURTAILMENT OF ASSIGNMENT.—The Sec-
11 retary of Defense may, upon the request of the Secretary
12 of the military department concerned, authorize a curtail-
13 ment of a joint duty assignment of more than two years
14 for an officer who has served in that assignment for at
15 least two years.

16 “(d) FULL TOUR OF DUTY.—Subject to subsection
17 (e), an officer shall be considered to have completed a full
18 tour of duty in a joint duty assignment upon the comple-
19 tion of service performed in a grade not lower than major
20 or, in the case of the Navy, lieutenant commander, as fol-
21 lows:

22 “(1) Service in a joint duty assignment that
23 meets the standard set forth in subsection (a).

24 “(2) Service in a joint duty assignment under
25 the circumstances described in subsection (c).

1 “(3) Cumulative service in one or more joint
2 task force headquarters that is substantially equiva-
3 lent to a standard length of assignment determined
4 under subsection (a).

5 “(4) Service in a joint duty assignment with re-
6 spect to which the Secretary of Defense has granted
7 a waiver under subsection (b), but only in a case in
8 which the Secretary directs that the service com-
9 pleted by the officer in that duty assignment be con-
10 sidered to be a full tour of duty in a joint duty as-
11 signment.

12 “(5) Service in a second joint duty assignment
13 that is less than the period required under sub-
14 section (a), but is not less than two years, without
15 regard to whether a waiver was granted for such as-
16 signment under subsection (b).”.

17 (b) JOINT DUTY CREDIT FOR CERTAIN JOINT TASK
18 FORCE ASSIGNMENTS.—Subsection (f) of such section, as
19 redesignated by subsection (a)(2), is amended—

20 (1) in paragraph (4)(B), by inserting before the
21 period at the end the following: “, except that cumu-
22 lative service of less than one year in more than one
23 such assignment in the headquarters of a joint task
24 force may not be credited”;

25 (2) in paragraph (4)(E)—

1 (A) by striking “combat or combat-re-
2 lated”; and

3 (B) by inserting before the period at the
4 end the following: “, as approved by the Sec-
5 retary of Defense”;

6 (3) in paragraph (5), by striking “any of the
7 following provisions of this title:” and all that fol-
8 lows and inserting “section 662 of this title or para-
9 graph (2), (4), or (7) of section 667(a) of this
10 title.”; and

11 (4) by striking paragraph (6).

12 **SEC. 525. ANNUAL REPORT TO CONGRESS.**

13 Section 667 of title 10, United States Code, is
14 amended by striking paragraph (1) and all that follows
15 and inserting the following:

16 “(1) The number of joint specialty officers, re-
17 ported by grade and by branch or specialty.

18 “(2) An assessment of the extent to which the
19 Secretary of each military department is assigning
20 personnel to joint duty assignments in accordance
21 with this chapter and the policies, procedures, and
22 practices established by the Secretary of Defense
23 under section 661(a) of this title.

24 “(3) The number of waivers granted under sec-
25 tion 619a(b)(1) of this title for officers in the grade

1 of colonel or, in the case of the Navy, captain for
2 each of the years preceding the year in which the re-
3 port is submitted.

4 “(4) The officers whose service in joint duty as-
5 signments during the year covered by the report ter-
6 minated before the officers completed the full tour of
7 duty in those assignments, expressed as a percent of
8 the total number of officers in joint duty assign-
9 ments during that year.

10 “(5) The percentage of fill of student quotas for
11 each course of the National Defense University for
12 the year covered by the report.

13 “(6) A list of the joint task force headquarters
14 in which service was approved for crediting as a
15 joint duty assignment for the year covered by the re-
16 port.

17 “(7) The following comparisons:

18 “(A) A comparison of—

19 “(i) the promotion rates for officers
20 who are officers serving in joint duty as-
21 signments or officers whose previous as-
22 signment was a joint duty assignment and
23 were considered for promotion within the
24 promotion zone, with

1 “(ii) the promotion rates for other of-
2 ficers in the same grade and the same
3 competitive category who are serving on
4 the headquarters staff of the armed force
5 concerned and were considered for pro-
6 motion within the promotion zone.

7 “(B) A comparison of—

8 “(i) the promotion rates for officers
9 who are officers serving in joint duty as-
10 signments or officers whose previous as-
11 signment was a joint duty assignment and
12 were considered for promotion from above
13 the promotion zone, with

14 “(ii) the promotion rates for other of-
15 ficers in the same grade and the same
16 competitive category who are serving on
17 the headquarters staff of the armed force
18 concerned and were considered for pro-
19 motion from above the promotion zone.

20 “(C) A comparison of—

21 “(i) the promotion rates for officers
22 who are officers serving in joint duty as-
23 signments or officers whose previous as-
24 signment was a joint duty assignment and

1 were considered for promotion from below
2 the promotion zone, with

3 “(ii) the promotion rates for other of-
4 ficers in the same grade and the same
5 competitive category who are serving on
6 the headquarters staff of the armed force
7 concerned and were considered for pro-
8 motion from below the promotion zone.

9 “(8) If any of the comparisons in paragraph (7)
10 indicate that the promotion rates for officers re-
11 ferred to in subparagraph (A)(i), (B)(i), or (C)(i) of
12 such paragraph fail to meet the objective set forth
13 in section 662(a) of this title, information on the
14 failure and on what action the Secretary has taken
15 or plans to take to prevent further failures.

16 “(9) Any other information relating to joint of-
17 ficer management that the Secretary of Defense con-
18 siders significant.”.

19 **SEC. 526. MULTIPLE ASSIGNMENTS CONSIDERED AS SIN-**
20 **GLE JOINT DUTY ASSIGNMENT.**

21 (a) **DEFINITION OF JOINT DUTY ASSIGNMENT.**—
22 Subsection (b) of section 668 of title 10, United States
23 Code, is amended—

24 (1) by redesignating paragraph (2) as para-
25 graph (3); and

1 (2) by inserting after paragraph (1) the fol-
 2 lowing new paragraph (2):

3 “(2) An assignment not qualifying as a joint duty as-
 4 signment within the definition prescribed under paragraph
 5 (1) shall be treated as a joint duty assignment for the
 6 purposes of this subchapter if the assignment is consid-
 7 ered under subsection (c)(2) as part of a single tour of
 8 duty in a joint duty assignment.”.

9 (b) MULTIPLE ASSIGNMENTS CONSIDERED AS SIN-
 10 GLE TOUR OF DUTY.—Subsection (c) of such section is
 11 amended to read as follows:

12 “(c) MULTIPLE ASSIGNMENTS CONSIDERED AS SIN-
 13 GLE TOUR OF DUTY.—For purposes of this chapter, serv-
 14 ice in more than one assignment shall be considered to
 15 be a single tour of duty in a joint duty assignment, as
 16 follows:

17 “(1) Continuous service in two or more con-
 18 secutive joint duty assignments, as defined under
 19 subsection (b)(1).

20 “(2) Continuous service, in any order, in—

21 “(A) at least one joint duty assignment, as
 22 defined under subsection (b)(1); and

23 “(B) one or more assignments not satis-
 24 fying the definition prescribed under subsection
 25 (b)(1) but involving service that provides sig-

nificant experience in joint matters, as determined under policies prescribed by the Secretary of Defense under section 661(a) of this title.”.

SEC. 527. JOINT DUTY REQUIREMENT FOR PROMOTION TO ONE-STAR GRADES.

Section 619a of title 10, United States Code, is amended—

(1) in subsection (a), by striking “section 664(f)” and inserting “section 664(d); and

(2) in subsection (b)—

(A) in paragraph (2), by striking “scientific and technical qualifications” and inserting “career field specialty qualifications”; and

(B) in paragraph (4), by striking “if—” and all that follows and inserting a period.

Subtitle C—Education and Training

SEC. 541. ELIGIBILITY OF CHILDREN OF RESERVES FOR PRESIDENTIAL APPOINTMENT TO SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “, other than those granted retired pay under section 12731

1 of this title (or under section 1331 of this title as
 2 in effect before the effective date of the Reserve Of-
 3 ficer Personnel Management Act)”; and

4 (2) by inserting after subparagraph (B) the fol-
 5 lowing:

6 “(C) are serving as members of reserve
 7 components and are credited with at least eight
 8 years of service computed under section 12733
 9 of this title; or

10 “(D) would be, or who died while they
 11 would have been, entitled to retired pay under
 12 chapter 1223 of this title except for not having
 13 attained 60 years of age;”.

14 (b) UNITED STATES NAVAL ACADEMY.—Section
 15 6954(b)(1) of such title is amended—

16 (1) in subparagraph (B), by striking “, other
 17 than those granted retired pay under section 12731
 18 of this title (or under section 1331 of this title as
 19 in effect before the effective date of the Reserve Of-
 20 ficer Personnel Management Act)”; and

21 (2) by inserting after subparagraph (B) the fol-
 22 lowing:

23 “(C) are serving as members of reserve
 24 components and are credited with at least eight

1 years of service computed under section 12733
2 of this title; or

3 “(D) would be, or who died while they
4 would have been, entitled to retired pay under
5 chapter 1223 of this title except for not having
6 attained 60 years of age;”.

7 (c) UNITED STATES AIR FORCE ACADEMY.—Section
8 9342(b)(1) of such title is amended—

9 (1) in subparagraph (B), by striking “, other
10 than those granted retired pay under section 12731
11 of this title (or under section 1331 of this title as
12 in effect before the effective date of the Reserve Of-
13 ficer Personnel Management Act)”; and

14 (2) by inserting after subparagraph (B) the fol-
15 lowing:

16 “(C) are serving as members of reserve
17 components and are credited with at least eight
18 years of service computed under section 12733
19 of this title; or

20 “(D) would be, or who died while they
21 would have been, entitled to retired pay under
22 chapter 1223 of this title except for not having
23 attained 60 years of age;”.

1 **SEC. 542. SELECTION OF FOREIGN STUDENTS TO RECEIVE**
2 **INSTRUCTION AT SERVICE ACADEMIES.**

3 (a) UNITED STATES MILITARY ACADEMY.—Section
4 4344(a) of title 10, United States Code, is amended by
5 adding at the end the following:

6 “(3) In selecting persons to receive instruction under
7 this section from among applicants from the countries ap-
8 proved under paragraph (2), the Secretary shall give a pri-
9 ority to persons who have a national service obligation to
10 their countries upon graduation from the Academy.”.

11 (b) UNITED STATES NAVAL ACADEMY.—Section
12 6957(a) of such title is amended by adding at the end
13 the following:

14 “(3) In selecting persons to receive instruction under
15 this section from among applicants from the countries ap-
16 proved under paragraph (2), the Secretary shall give a pri-
17 ority to persons who have a national service obligation to
18 their countries upon graduation from the Academy.”.

19 (c) UNITED STATES AIR FORCE ACADEMY.—Section
20 9344(a) of such title is amended by adding at the end
21 the following:

22 “(3) In selecting persons to receive instruction under
23 this section from among applicants from the countries ap-
24 proved under paragraph (2), the Secretary shall give a pri-
25 ority to persons who have a national service obligation to
26 their countries upon graduation from the Academy.”.

1 (d) EFFECTIVE DATE AND APPLICABILITY.—This
 2 section and the amendments made by this section shall
 3 take effect on October 1, 2000, and shall apply with re-
 4 spect to academic years that begin after that date.

5 **SEC. 543. REPEAL OF CONTINGENT FUNDING INCREASE**
 6 **FOR JUNIOR RESERVE OFFICERS TRAINING**
 7 **CORPS.**

8 (a) REPEAL.—(1) Section 2033 of title 10, United
 9 States Code, is repealed.

10 (2) The table of sections at the beginning of chapter
 11 102 of such title is amended by striking the item relating
 12 to section 2033.

13 (b) EFFECTIVE DATE.—This section and the amend-
 14 ments made by this section shall take effect on October
 15 1, 2000.

16 **SEC. 544. REVISION OF AUTHORITY FOR MARINE CORPS**
 17 **PLATOON LEADERS CLASS TUITION ASSIST-**
 18 **ANCE PROGRAM.**

19 (a) ELIGIBILITY OF OFFICERS.—Section 16401 of
 20 title 10, United States Code, is amended—

21 (1) in subsection (a), by striking “enlisted” in
 22 the matter preceding paragraph (1); and

23 (2) in subsection (b)(1)—

1 (A) by striking “an enlisted member” in
 2 the matter preceding subparagraph (A) and in-
 3 serting “a member”; and

4 (B) by striking “an officer candidate in” in
 5 subparagraph (A) and inserting “a member of”.

6 (b) REPEAL OF AGE LIMITATIONS.—Subsection (b)
 7 of such section is amended—

8 (1) in paragraph (1)—

9 (A) by striking subparagraph (B);

10 (B) by redesignating subparagraphs (C)
 11 and (D) as subparagraphs (B) and (C), respec-
 12 tively; and

13 (C) in subparagraph (C), as so redesign-
 14 nated, by striking “paragraph (3)” and insert-
 15 ing “paragraph (2)”;

16 (2) by striking subparagraph (2);

17 (3) by redesignating paragraph (3) as para-
 18 graph (2); and

19 (4) in paragraph (2), as so redesignated, by
 20 striking “paragraph (1)(D)” and inserting “para-
 21 graph (1)(C)”.

22 (c) CANDIDATES FOR LAW DEGREES.—Subsection
 23 (a)(2) of such section is amended by striking “three” and
 24 inserting “four”.

(d) INAPPLICABILITY OF SANCTION TO OFFICERS.—
 Subsection (f)(1) of such section is amended by striking
 “A member” and inserting “An enlisted member”.

(e) AMENDMENTS OF HEADINGS.—(1) The heading
 for such section is amended to read as follows:

**“§ 16401. Marine Corps Platoon Leaders Class tuition
 assistance program”.**

(2) The heading for subsection (a) of such section
 is amended by striking “FOR FINANCIAL ASSISTANCE
 PROGRAM”.

(f) CLERICAL AMENDMENT.—The item relating to
 such section in the table of chapters at the beginning of
 chapter 1611 of title 10, United States Code, is amended
 to read as follows:

“16401. Marine Corps Platoon Leaders Class tuition assistance program.”.

Subtitle D—Matters Relating to Recruiting

SEC. 551. ARMY RECRUITING PILOT PROGRAMS.

(a) REQUIREMENT FOR PROGRAMS.—The Secretary
 of the Army shall carry out pilot programs to test various
 recruiting approaches under this section for the following
 purposes:

(1) To assess the effectiveness of the recruiting
 approaches for creating enhanced opportunities for
 recruiters to make direct, personal contact with po-
 tential recruits.

1 (2) To improve the overall effectiveness and ef-
2 ficiency of Army recruiting activities.

3 (b) OUTREACH THROUGH MOTOR SPORTS.—(1) One
4 of the pilot programs shall be a pilot program of public
5 outreach that associates the Army with motor sports com-
6 petitions to achieve the objectives set forth in paragraph
7 (2).

8 (2) The events and activities undertaken under the
9 pilot program shall be designed to provide opportunities
10 for Army recruiters to make direct, personal contact with
11 high school students to achieve the following objectives:

12 (A) To increase enlistments by students grad-
13 uating from high school.

14 (B) To reduce attrition in the Delayed Entry
15 Program of the Army by sustaining the personal
16 commitment of students who have elected delayed
17 entry into the Army under the program.

18 (3) Under the pilot program, the Secretary shall pro-
19 vide for the following:

20 (A) For Army recruiters or other Army
21 personnel—

22 (i) to organize Army sponsored career day
23 events in association with national motor sports
24 competitions; and

1 (ii) to arrange for or encourage attendance
2 at the competitions by high school students,
3 teachers, guidance counselors, and administra-
4 tors of high schools located near the competi-
5 tions.

6 (B) For Army recruiters and other soldiers to
7 attend national motor sports competitions—

8 (i) to display exhibits depicting the con-
9 temporary Army and career opportunities in the
10 Army; and

11 (ii) to discuss those opportunities with po-
12 tential recruits.

13 (C) For the Army to sponsor a motor sports
14 racing team as part of an integrated program of re-
15 cruitment and publicity for the Army.

16 (D) For the Army to sponsor motor sports com-
17 petitions for high school students at which recruiters
18 meet with potential recruits.

19 (E) For Army recruiters or other Army per-
20 sonnel to compile in an Internet accessible database
21 the names, addresses, telephone numbers, and elec-
22 tronic mail addresses of persons who are identified
23 as potential recruits through activities under the
24 pilot program.

1 (F) Any other activities associated with motor
2 sports competition that the Secretary determines ap-
3 propriate for Army recruitment purposes.

4 (c) OUTREACH AT VOCATIONAL SCHOOLS AND COM-
5 MUNITY COLLEGES.—(1) One of the pilot programs shall
6 be a pilot program under which Army recruiters are as-
7 signed at postsecondary vocational institutions and com-
8 munity colleges for the purpose of recruiting students
9 graduating from those institutions and colleges, recent
10 graduates of those institutions and colleges, and students
11 withdrawing from enrollments in those institutions and
12 colleges.

13 (2) The Secretary shall select the institutions and col-
14 leges to be invited to participate in the pilot program.

15 (3) The conduct of the pilot program at an institution
16 or college shall be subject to an agreement which the Sec-
17 retary shall enter into with the governing body or author-
18 ized official of the institution or college, as the case may
19 be.

20 (4) Under the pilot program, the Secretary shall pro-
21 vide for the following:

22 (A) For Army recruiters to be placed in post-
23 secondary vocational institutions and community col-
24 leges to serve as a resource for guidance counselors
25 and to recruit for the Army.

1 (B) For Army recruiters to recruit from among
2 students and graduates described in paragraph (1).

3 (C) For the use of telemarketing, direct mail,
4 interactive voice response systems, and Internet
5 website capabilities to assist the recruiters in the
6 postsecondary vocational institutions and community
7 colleges.

8 (D) For any other activities that the Secretary
9 determines appropriate for recruitment activities in
10 postsecondary vocational institutions and community
11 colleges.

12 (5) In this subsection, the term “postsecondary voca-
13 tional institution” has the meaning given the term in sec-
14 tion 102(c) of the Higher Education Act of 1965 (20
15 U.S.C. 1002(c)).

16 (d) CONTRACT RECRUITING INITIATIVES.—(1) One
17 of the pilot programs shall be a program that expands in
18 accordance with this subsection the scope of the Army’s
19 contract recruiting initiatives that are ongoing as of the
20 date of the enactment of this Act. Under the pilot pro-
21 gram, the Secretary shall select at least five recruiting bat-
22 talions to apply the initiatives in efforts to recruit per-
23 sonnel for the Army.

24 (2) Under the pilot program, the Secretary shall pro-
25 vide for the following:

1 (A) For replacement of the Regular Army re-
2 cruiters by contract recruiters in the five recruiting
3 battalions selected under paragraph (1).

4 (B) For operation of the five battalions under
5 the same rules and chain of command as the other
6 Army recruiting battalions.

7 (C) For use of the offices, facilities, and equip-
8 ment of the five battalions by the contract recruit-
9 ers.

10 (D) For reversion to performance of the re-
11 cruiting activities by Regular Army soldiers in the
12 five battalions upon termination of the pilot pro-
13 gram.

14 (E) For any other uses of contractor personnel
15 for Army recruiting activities that the Secretary de-
16 termines appropriate.

17 (e) DURATION OF PILOT PROGRAMS.—The pilot pro-
18 grams required by this section shall be carried out during
19 the period beginning on October 1, 2000, and, subject to
20 subsection (f), ending on December 31, 2005.

21 (f) AUTHORITY TO EXPAND OR EXTEND PILOT PRO-
22 GRAMS.—The Secretary may expand the scope of any of
23 the pilot programs (under subsection (b)(3)(F), (c)(4)(D),
24 (d)(2)(E), or otherwise) or extend the period for any of
25 the pilot programs. Before doing so in the case of a pilot

1 program, the Secretary shall submit to the Committees on
2 Armed Services of the Senate and the House of Represent-
3 atives a written notification of the expansion of the pilot
4 program (together with the scope of the expansion) or the
5 continuation of the pilot program (together with the period
6 of the extension), as the case may be.

7 (g) RELATIONSHIP TO OTHER LAW.—The Secretary
8 may exercise the authority to carry out a pilot program
9 under this section without regard to any other provision
10 of law that, except for this subsection, would otherwise
11 restrict the actions taken by the Secretary under that au-
12 thority.

13 (h) REPORTS.—Not later than February 1, 2006, the
14 Secretary of the Army shall submit to the Committees on
15 Armed Services of the Senate and the House of Represent-
16 atives a separate report on each of the pilot programs car-
17 ried out under this section. The report on a pilot program
18 shall include the following:

19 (1) The Secretary's assessment of the value of
20 the actions taken in the administration of the pilot
21 program for increasing the effectiveness and effi-
22 ciency of Army recruiting.

23 (2) Any recommendations for legislation or
24 other action that the Secretary considers appropriate

1 to increase the effectiveness and efficiency of Army
2 recruiting.

3 **SEC. 552. ENHANCEMENT OF THE JOINT AND SERVICE RE-**
4 **CRUITMENT MARKET RESEARCH AND ADVER-**
5 **TISING PROGRAMS.**

6 The Secretary of Defense shall take appropriate ac-
7 tions to enhance the effectiveness of the Joint and Service
8 Recruiting and Advertising Programs through an aggres-
9 sive program of advertising and market research targeted
10 to prospective recruits for the Armed Forces and to per-
11 sons who influence prospective recruits. Chapter 35 of title
12 44, United States Code, shall not apply to actions taken
13 under this section.

14 **SEC. 553. ACCESS TO SECONDARY SCHOOLS FOR MILITARY**
15 **RECRUITING PURPOSES.**

16 (a) REQUIREMENT FOR ACCESS.—Section 503(c) of
17 title 10, United States Code, is amended to read as fol-
18 lows:

19 “(c) ACCESS TO SECONDARY SCHOOLS.—(1) Each
20 local educational agency shall provide to the Department
21 of Defense, upon a request made for military recruiting
22 purposes, the same access to secondary school students,
23 and to directory information concerning such students, as
24 is provided generally to post-secondary educational institu-

1 tions or to prospective employers of those students, except
2 as provided in paragraph (5).

3 “(2) If a local educational agency denies a request
4 for recruiting access that must be granted under para-
5 graph (1), the Secretary of the military department for
6 which the request is made shall designate a general or flag
7 officer of the armed force concerned or a senior executive
8 of that military department to visit the local educational
9 agency for the purpose of arranging for recruiting access.
10 The designated officer or senior executive shall make the
11 visit within 120 days after the date of the denial of the
12 request.

13 “(3) Upon a determination by the Secretary of De-
14 fense that, after the actions under paragraph (2) have
15 been taken with respect to a local educational agency, the
16 agency continues to deny recruiting access, the Secretary
17 shall transmit to the Chief Executive of the State in which
18 the local educational agency is located a notification of the
19 denial of access and a request for assistance in obtaining
20 the requested access. The notification shall be transmitted
21 within 60 days after the date of the determination. The
22 Secretary shall provide copies of communications between
23 the Secretary and a Chief Executive under this subpara-
24 graph to the Secretary of Education.

1 “(4) If a local educational agency continues to deny
2 recruiting access one year after the date of the transmittal
3 of a notification regarding that agency under paragraph
4 (3), the Secretary shall—

5 “(A) determine whether the agency denies re-
6 cruiting access to at least two of the armed forces
7 (other than the Coast Guard when it is not oper-
8 ating as a service in the Navy); and

9 “(B) upon making an affirmative determination
10 under subparagraph (A), transmit a notification of
11 the denial of recruiting access to—

12 “(i) the Committees on Armed Services of
13 the Senate and the House of Representatives;

14 “(ii) the Senators of the State in which the
15 local educational agency operates; and

16 “(iii) the member of the House of Rep-
17 resentatives who represents the district in which
18 the local educational agency operates.

19 “(5) The requirements of this subsection do not apply
20 to a local educational agency with respect to access to sec-
21 ondary school students or access to directory information
22 concerning such students during any period that there is
23 in effect a policy of the agency, established by majority
24 vote of the governing body of the agency, to deny access

1 to the students or to the directory information, respec-
 2 tively, for military recruiting purposes.

3 “(6) In this subsection:

4 “(A) The term ‘local educational agency’ in-
 5 cludes a private secondary educational institution.

6 “(B) The term ‘recruiting access’ means access
 7 requested as described in paragraph (1).

8 “(C) The term ‘senior executive’ has the mean-
 9 ing given that term in section 3132(a)(3) of title 5.

10 “(D) The term ‘State’ includes the District of
 11 Columbia, American Samoa, the Federated States of
 12 Micronesia, Guam, the Republic of the Marshall Is-
 13 lands, the Commonwealth of the Northern Mariana
 14 Islands, the Commonwealth of Puerto Rico, the Re-
 15 public of Palau, and the United States Virgin Is-
 16 lands.”.

17 (b) TECHNICAL AMENDMENTS.—Section 503 of title
 18 10, United States Code, is amended—

19 (1) in subsection (a), by inserting “RECRUITING
 20 CAMPAIGNS.—” after “(a)”;

21 (2) in subsection (b), by inserting “COMPILA-
 22 TION OF DIRECTORY INFORMATION.—” after “(b)”;
 23 and

24 (3) in subsection (c), by inserting “ACCESS TO
 25 SECONDARY SCHOOLS.—” after “(c)”.

1 (c) REPEAL OF DUPLICATIVE AUTHORITY REGARD-
 2 ING GRANTS AND CONTRACTS TO UNCOOPERATIVE INSTI-
 3 TUTIONS OF HIGHER EDUCATION.—Section 8120 of the
 4 Department of Defense Appropriations Act, 2000 (Public
 5 Law 106–79; 113 Stat. 1260; 10 U.S.C. 983 note) is re-
 6 pealed.

7 (d) EFFECTIVE DATES.—(1) The amendment made
 8 by subsection (a) shall take effect on July 1, 2002.

9 (2) The amendments made by subsections (b) and (c)
 10 shall take effect on the date of the enactment of this Act.

11 **Subtitle E—Other Matters**

12 **SEC. 561. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO** 13 **CERTAIN SPECIFIED PERSONS.**

14 (a) INAPPLICABILITY OF TIME LIMITATIONS.—Not-
 15 withstanding the time limitations in section 3744(b) of
 16 title 10, United States Code, or any other time limitation,
 17 the President may award the Medal of Honor under sec-
 18 tion 3741 of such title to the persons specified in sub-
 19 section (b) for the acts specified in that subsection, the
 20 award of the Medal of Honor to such persons having been
 21 determined by the Secretary of the Army to be warranted
 22 in accordance with section 1130 of such title.

23 (b) PERSONS ELIGIBLE TO RECEIVE THE MEDAL OF
 24 HONOR.—The persons referred to in subsection (a) are
 25 the following:

1 (1) Ed W. Freeman, for conspicuous acts of
2 gallantry and intrepidity at the risk of his life and
3 beyond the call of duty on November 14, 1965, as
4 flight leader and second-in-command of a helicopter
5 lift unit at landing zone X-Ray in the Battle of the
6 Ia Drang Valley, Republic of Vietnam, during the
7 Vietnam War, while serving in the grade of Captain
8 in Alpha Company, 229th Assault Helicopter Bat-
9 talion, 101st Cavalry Division (Airmobile).

10 (2) James K. Okubo, for conspicuous acts of
11 gallantry and intrepidity at the risk of his life and
12 beyond the call of duty on October 28 and 29, and
13 November 4, 1944, at Foret Domaniale de Champ,
14 near Biffontaine, France, during World War II,
15 while serving as an Army medic in the grade of
16 Technician Fifth Grade in the medical detachment,
17 442d Regimental Combat Team.

18 (3) Andrew J. Smith, for conspicuous acts of
19 gallantry and intrepidity at the risk of his life and
20 beyond the call of duty on November 30, 1864, in
21 the Battle of Honey Hill, South Carolina, during the
22 Civil War, while serving as a corporal in the 55th
23 Massachusetts Voluntary Infantry Regiment.

1 (c) POSTHUMOUS AWARD.—The Medal of Honor may
 2 be awarded under this section posthumously, as provided
 3 in section 3752 of title 10, United States Code.

4 (d) PRIOR AWARD.—The Medal of Honor may be
 5 awarded under this section for service for which a Silver
 6 Star, or other award, has been awarded.

7 **SEC. 562. WAIVER OF TIME LIMITATIONS FOR AWARD OF**
 8 **CERTAIN DECORATIONS TO CERTAIN PER-**
 9 **SONS.**

10 (a) WAIVER.—Any limitation established by law or
 11 policy for the time within which a recommendation for the
 12 award of a military decoration or award must be sub-
 13 mitted shall not apply to awards of decorations described
 14 in this section, the award of each such decoration having
 15 been determined by the Secretary concerned to be war-
 16 ranted in accordance with section 1130 of title 10, United
 17 States Code.

18 (b) SILVER STAR.—Subsection (a) applies to the
 19 award of the Silver Star to Louis Rickler, of Rochester,
 20 New York, for gallantry in action from August 18 to No-
 21 vember 18, 1918, while serving as a member of the Army.

22 (c) DISTINGUISHED FLYING CROSS.—Subsection (a)
 23 applies to the award of the Distinguished Flying Cross
 24 for service during World War II or Korea (including mul-
 25 tiple awards to the same individual) in the case of each

1 individual concerning whom the Secretary of the Navy (or
 2 an officer of the Navy acting on behalf of the Secretary)
 3 submitted to the Committee on Armed Services of the
 4 House of Representatives and the Committee on Armed
 5 Services of the Senate, during the period beginning on Oc-
 6 tober 5, 1999, and ending on the day before the date of
 7 the enactment of this Act, a notice as provided in section
 8 1130(b) of title 10, United States Code, that the award
 9 of the Distinguished Flying Cross to that individual is
 10 warranted and that a waiver of time restrictions pre-
 11 scribed by law for recommendation for such award is rec-
 12 ommended.

13 **SEC. 563. INELIGIBILITY FOR INVOLUNTARY SEPARATION**
 14 **PAY UPON DECLINATION OF SELECTION FOR**
 15 **CONTINUATION ON ACTIVE DUTY.**

16 (a) INELIGIBILITY.—Section 1174(a)(1) of title 10,
 17 United States Code, is amended—

18 (1) by inserting “, 637(a)(4),” after “section
 19 630(1)(A)”;

20 (2) by inserting “(except under section
 21 580(e)(2))” after “section 580”.

22 (b) EFFECTIVE DATE AND APPLICABILITY.—The
 23 amendments made by subsection (a) shall take effect on
 24 October 1, 2000, and shall apply with respect to dis-
 25 charges and retirements from active duty that take effect

1 under section 580(e)(2) or 637(a)(4) of title 10, United
 2 States Code, on or after that date.

3 **SEC. 564. RECOGNITION BY STATES OF MILITARY TESTA-**
 4 **MENTARY INSTRUMENTS.**

5 (a) IN GENERAL.—Chapter 53 of title 10, United
 6 States Code, is amended by inserting after section 1044c
 7 the following new section:

8 **“§ 1044d. Military testamentary instruments: require-**
 9 **ment for recognition by States**

10 “(a) TESTAMENTARY INSTRUMENTS TO BE GIVEN
 11 LEGAL EFFECT.—A military testamentary instrument—

12 “(1) is exempt from any requirement of form,
 13 formality, or recording before probate that is pro-
 14 vided for testamentary instruments under the laws
 15 of a State; and

16 “(2) has the same legal effect as a testa-
 17 mentary instrument prepared and executed in ac-
 18 cordance with the laws of the State in which it is
 19 presented for probate.

20 “(b) MILITARY TESTAMENTARY INSTRUMENTS.—
 21 For purposes of this section, a military testamentary in-
 22 strument is an instrument that is prepared with testa-
 23 mentary intent in accordance with regulations prescribed
 24 under this section and that—

1 “(1) is executed in accordance with subsection
2 (c) by (or on behalf of) a person, as a testator, who
3 is eligible for military legal assistance;

4 “(2) makes a disposition of property of the tes-
5 tator; and

6 “(3) takes effect upon the death of the testator.

7 “(c) REQUIREMENTS FOR EXECUTION OF MILITARY
8 TESTAMENTARY INSTRUMENTS.—An instrument is valid
9 as a military testamentary instrument only if—

10 “(1) the instrument is executed by the testator
11 (or, if the testator is unable to execute the instru-
12 ment personally, the instrument is executed in the
13 presence of, by the direction of, and on behalf of the
14 testator);

15 “(2) the instrument is executed in the presence
16 of a military legal assistance counsel acting as pre-
17 siding attorney;

18 “(3) the instrument is executed in the presence
19 of at least two disinterested witnesses (in addition to
20 the presiding attorney), each of whom attests to wit-
21 nessing the testator’s execution of the instrument by
22 signing it; and

23 “(4) the instrument is executed in accordance
24 with such additional requirements as may be pro-
25 vided in regulations prescribed under this section.

1 “(d) SELF-PROVING MILITARY TESTAMENTARY IN-
2 STRUMENTS.—(1) If the document setting forth a military
3 testamentary instrument meets the requirements of para-
4 graph (2), then the signature of a person on the document
5 as the testator, an attesting witness, a notary, or the pre-
6 siding attorney, together with a written representation of
7 the person’s status as such and the person’s military grade
8 (if any) or other title, is prima facie evidence of the fol-
9 lowing:

10 “(A) That the signature is genuine.

11 “(B) That the signatory had the represented
12 status and title at the time of the execution of the
13 will.

14 “(C) That the signature was executed in com-
15 pliance with the procedures required under the regu-
16 lations prescribed under subsection (f).

17 “(2) A document setting forth a military testa-
18 mentary instrument meets the requirements of this para-
19 graph if it includes (or has attached to it), in a form and
20 content required under the regulations prescribed under
21 subsection (f), each of the following:

22 “(A) A certificate, executed by the testator,
23 that includes the testator’s acknowledgment of the
24 testamentary instrument.

1 “(B) An affidavit, executed by each witness
2 signing the testamentary instrument, that attests to
3 the circumstances under which the testamentary in-
4 strument was executed.

5 “(C) A notarization, including a certificate of
6 any administration of an oath required under the
7 regulations, that is signed by the notary or other of-
8 ficial administering the oath.

9 “(e) STATEMENT TO BE INCLUDED.—(1) Under reg-
10 ulations prescribed under this section, each military testa-
11 mentary instrument shall contain a statement that sets
12 forth the provisions of subsection (a).

13 “(2) Paragraph (1) shall not be construed to make
14 inapplicable the provisions of subsection (a) to a testa-
15 mentary instrument that does not include a statement de-
16 scribed in that paragraph.

17 “(f) REGULATIONS.—Regulations for the purposes of
18 this section shall be prescribed jointly by the Secretary
19 of Defense and by the Secretary of Transportation with
20 respect to the Coast Guard when it is not operating as
21 a service in the Department of the Navy.

22 “(g) DEFINITIONS.—In this section:

23 “(1) The term ‘person eligible for military legal
24 assistance’ means a person who is eligible for legal
25 assistance under section 1044 of this title.

1 “(2) The term ‘military legal assistance counsel’
2 means—

3 “(A) a judge advocate (as defined in sec-
4 tion 801(13) of this title); or

5 “(B) a civilian attorney serving as a legal
6 assistance officer under the provisions of sec-
7 tion 1044 of this title.

8 “(3) The term ‘State’ includes the District of
9 Columbia, the Commonwealth of Puerto Rico, the
10 Commonwealth of the Northern Mariana Islands,
11 and each possession of the United States.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by inserting
14 after the item relating to section 1044c the following new
15 item:

 “1044d. Military testamentary instruments: requirement for recognition by
 States.”.

16 **SEC. 565. SENSE OF CONGRESS ON THE COURT-MARTIAL**
17 **CONVICTION OF CAPTAIN CHARLES BUTLER**
18 **McVAY, COMMANDER OF THE U.S.S. INDIAN-**
19 **APOLIS, AND ON THE COURAGEOUS SERVICE**
20 **OF ITS CREW.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) Shortly after midnight on the morning of
24 July 30, 1945, the United States Navy heavy cruiser

1 U.S.S. Indianapolis (CA-35) was torpedoed and
2 sunk by the Japanese submarine I-58 in what be-
3 came the worst sea disaster in the history of the
4 United States Navy.

5 (2) Although approximately 900 of the ship's
6 crew of 1,196 survived the actual sinking, only 316
7 of those courageous sailors survived when rescued
8 after four and a half days adrift in the open sea.

9 (3) Nearly 600 of the approximately 900 men
10 who survived the sinking perished from battle
11 wounds, drowning, predatory shark attacks, expo-
12 sure to the elements, and lack of food and potable
13 water.

14 (4) Rescue came for the remaining 316 sailors
15 when they were spotted by chance by Navy Lieuten-
16 ant Wilbur C. Gwinn while flying a routine naval air
17 patrol mission.

18 (5) After the end of World War II, the com-
19 manding officer of the U.S.S. Indianapolis, Captain
20 Charles Butler McVay, who was rescued with the
21 other survivors, was court-martialed for "suffering a
22 vessel to be hazarded through negligence" by failing
23 to zigzag (a naval tactic employed to help evade sub-
24 marine attacks), and was convicted even though—

1 (A) the choice to zigzag was left to Cap-
2 tain McVay's discretion in his orders; and

3 (B) Motchisura Hashimoto, the com-
4 mander of the Japanese submarine that sank
5 the U.S.S. Indianapolis, and Glynn R. Donaho,
6 a United States Navy submarine commander
7 highly decorated for his service during World
8 War II, both testified at Captain McVay's
9 court-martial trial that the Japanese submarine
10 could have sunk the U.S.S. Indianapolis wheth-
11 er or not it had been zigzagging, an assertion
12 that the Japanese submarine commander has
13 since reaffirmed in a letter to the Chairman of
14 the Committee on Armed Services of the Sen-
15 ate.

16 (6) Although not argued by Captain McVay's
17 defense counsel in the court-martial trial, poor visi-
18 bility on the night of the sinking (as attested in sur-
19 viving crew members' handwritten accounts recently
20 discovered at the National Archives) justified Cap-
21 tain McVay's choice not to zigzag as that choice was
22 consistent with the applicable Navy directives in
23 force in 1945, which stated that, "During thick
24 weather and at night, except on very clear nights or

1 during bright moonlight, vessels normally cease zig-
2 zagging.”.

3 (7) Naval officials failed to provide Captain
4 McVay with available support that was critical to the
5 safety of the U.S.S. Indianapolis and its crew on
6 what became its final mission by—

7 (A) disapproving a request made by Cap-
8 tain McVay for a destroyer escort for the
9 U.S.S. Indianapolis across the Philippine Sea
10 as being “not necessary”;

11 (B) not informing Captain McVay that
12 naval intelligence sources, through signal intel-
13 ligence (the Japanese code having been broken
14 earlier in World War II), had become aware
15 that the Japanese submarine I-58 was oper-
16 ating in the area of the U.S.S. Indianapolis’
17 course (as disclosed in evidence presented in a
18 hearing of the Committee on Armed Services of
19 the Senate); and

20 (C) not informing Captain McVay of the
21 sinking of the destroyer escort U.S.S. Underhill
22 by a Japanese submarine within range of the
23 course of the U.S.S. Indianapolis four days be-
24 fore the U.S.S. Indianapolis departed Guam on
25 its fatal voyage.

1 (8) Captain McVay's court-martial initially was
2 opposed by his immediate command superiors, Fleet
3 Admiral Chester Nimitz (CINCPAC) and Vice Ad-
4 miral Raymond Spruance of the 5th fleet, for which
5 the U.S.S. Indianapolis served as flagship, but, de-
6 spite their recommendations, Secretary of the Navy
7 James Forrestal ordered the court-martial, largely
8 on the basis of the recommendation of Admiral
9 King, Chief of Naval Operations.

10 (9) There is no explanation on the public record
11 for Secretary Forrestal's overruling of the rec-
12 ommendations made by Admirals Nimitz and
13 Spruance.

14 (10) Captain McVay was the only commander
15 of a United States Navy vessel lost in combat to
16 enemy action during World War II who was sub-
17 jected to a court-martial trial for such a loss, even
18 though several hundred United States Navy ships
19 were lost in combat to enemy action during World
20 War II.

21 (11) The survivors of the U.S.S. Indianapolis
22 overwhelmingly conclude that McVay was not at
23 fault and have dedicated their lives to vindicating
24 their Captain, Charles McVay, but time is running
25 out for the 130 remaining members of the crew in

1 their united and steadfast quest to clear their Cap-
2 tain's name.

3 (12) Although Captain McVay was promoted to
4 Rear Admiral upon retirement from the Navy, he
5 never recovered from the stigma of his post-war
6 court-martial and in 1968, tragically, took his own
7 life.

8 (13) Captain McVay was a graduate of the
9 United States Naval Academy, was an exemplary ca-
10 reer naval officer with an outstanding record (in-
11 cluding participation in the amphibious invasions of
12 North Africa, the assault on Iwo Jima, and the as-
13 sault on Okinawa where he survived a fierce kami-
14 kaze attack), was a recipient of the Silver Star
15 earned for courage under fire during the Solomon
16 Islands campaign, and, with his crew, had so thor-
17 oughly demonstrated proficiency in naval warfare
18 that the Navy entrusted Captain McVay and the
19 crew with transporting, on their fatal cruise, the
20 components necessary for assembling the atomic
21 bombs that were exploded over Hiroshima and Na-
22 gasaki to end the war with Japan.

23 (b) SENSE OF CONGRESS.—(1) It is the sense of Con-
24 gress, on the basis of the facts presented in a public hear-
25 ing conducted by the Committee on Armed Services of the

1 Senate on September 14, 1999, including evidence not
2 available at the time of Captain Charles Butler McVay's
3 court-martial, and on the basis of extensive interviews and
4 questioning of witnesses and knowledgeable officials and
5 a review of the record of the court-martial for and in that
6 hearing, that—

7 (A) recognizing that the Secretary of the Navy
8 remitted the sentence of the court-martial and that
9 Admiral Nimitz, as Chief of Naval Operations, re-
10 stored Captain McVay to active duty, the American
11 people should now recognize Captain McVay's lack
12 of culpability for the tragic loss of the U.S.S. Indi-
13 anapolis and the lives of the men who died as a re-
14 sult of her sinking; and

15 (B) knowing that vital information was not
16 available to the court-martial board and that, as a
17 result, Captain McVay was convicted, Captain
18 McVay's military record should now reflect that he
19 is exonerated for the loss of the ship and its crew.

20 (2) It is, further, the sense of Congress that Congress
21 strongly encourages the Secretary of the Navy to award
22 a Navy Unit Commendation to the U.S.S. Indianapolis
23 and its final crew.

1 **TITLE VI—COMPENSATION AND**
 2 **OTHER PERSONNEL BENEFITS**
 3 **Subtitle A—Pay and Allowances**

4 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2001.**

5 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The
 6 adjustment to become effective during fiscal year 2001 re-
 7 quired by section 1009 of title 37, United States Code,
 8 in the rates of monthly basic pay authorized members of
 9 the uniformed services shall not be made.

10 (b) INCREASE IN BASIC PAY.—Effective on January
 11 1, 2001, the rates of monthly basic pay for members of
 12 the uniformed services are increased by 3.7 percent.

13 **SEC. 602. CORRECTIONS FOR BASIC PAY TABLES.**

14 Section 601(c) of the National Defense Authorization
 15 Act for Fiscal Year 2000 (Public Law 106–65) is
 16 amended—

17 (1) in footnote 2 under the first table (113
 18 Stat. 646), relating to commissioned officers, by
 19 striking “\$12,441.00” and inserting “\$12,488.70”;
 20 and

21 (2) in footnote 2 under the fourth table (113
 22 Stat. 648), relating to enlisted members, by striking
 23 “\$4,701.00” and inserting “\$4,719.00”.

1 **SEC. 603. PAY IN LIEU OF ALLOWANCE FOR FUNERAL HON-**
2 **ORS DUTY.**

3 (a) COMPENSATION AT RATE FOR INACTIVE-DUTY
4 TRAINING.—(1) Section 115(b)(2) of title 32, United
5 States Code, is amended to read as follows:

6 “(2) as directed by the Secretary concerned,
7 either—

8 “(A) the allowance under section 435 of
9 title 37; or

10 “(B) compensation under section 206 of
11 title 37.”.

12 (2) Section 12503(b)(2) of title 10, United States
13 Code, is amended to read as follows:

14 “(2) as directed by the Secretary concerned,
15 either—

16 “(A) the allowance under section 435 of
17 title 37; or

18 “(B) compensation under section 206 of
19 title 37.”.

20 (b) CONFORMING REPEAL.—Section 435 of title 37,
21 United States Code, is amended by striking subsection (c).

22 (c) EFFECTIVE DATE.—This section and the amend-
23 ments made by this section shall take effect on October
24 1, 2000, and shall apply with respect to months beginning
25 on or after that date.

1 **SEC. 604. CLARIFICATION OF SERVICE EXCLUDED IN COM-**
 2 **PUTATION OF CREDITABLE SERVICE AS A**
 3 **MARINE CORPS OFFICER.**

4 (a) SERVICE AS RESERVE ENLISTED MEMBER IN
 5 PLATOON LEADERS CLASS.—Section 205(f) of title 37,
 6 United States Code, is amended by striking “that the offi-
 7 cer performed concurrently as a member” and inserting
 8 “that the officer performed concurrently as an enlisted
 9 member”.

10 (b) CORRECTION OF REFERENCE.—Such section
 11 205(f) is further amended by striking “section 12209”
 12 and inserting “section 12203”.

13 **SEC. 605. CALCULATION OF BASIC ALLOWANCE FOR HOUS-**
 14 **ING.**

15 (a) RATES.—Subsection (b) of section 403 of title 37,
 16 United States Code, is amended—

17 (1) by striking paragraph (2);

18 (2) by redesignating paragraph (1) as para-
 19 graph (2);

20 (3) by inserting after “(b) BASIC ALLOWANCE
 21 FOR HOUSING INSIDE THE UNITED STATES.—” the
 22 following: “(1) The Secretary of Defense shall pre-
 23 scribe the rates of the basic allowance for housing
 24 that are applicable for the various military housing
 25 areas in the United States. The rates for an area

1 shall be based on the costs of adequate housing de-
 2 termined for the area under paragraph (2).”; and

3 (4) in paragraph (6), by striking “, changes in
 4 the national average monthly cost of housing,”.

5 (b) REPEAL OF LIMITATION ON TOTAL PAY-
 6 MENTS.—Subsection (b) of such section is further
 7 amended—

8 (1) by striking paragraphs (3) and (5); and

9 (2) by redesignating paragraphs (4), (6), and
 10 (7) as paragraphs (3), (4), and (5), respectively.

11 **SEC. 606. ELIGIBILITY OF MEMBERS IN GRADE E-4 TO RE-**
 12 **CEIVE BASIC ALLOWANCE FOR HOUSING**
 13 **WHILE ON SEA DUTY.**

14 (a) PAYMENT AUTHORIZED.—Subsection (f)(2)(B) of
 15 section 403 of title 37, United States Code, is amended—

16 (1) by striking “E-5” in the first sentence and
 17 inserting “E-4 or E-5”; and

18 (2) by striking “grade E-5” in the second sen-
 19 tence and inserting “grades E-4 and E-5”.

20 (b) CONFORMING AMENDMENT.—Subsection
 21 (m)(1)(B) of such section is amended by striking “E-4”
 22 and inserting “E-3”.

1 **SEC. 607. PERSONAL MONEY ALLOWANCE FOR THE SENIOR**
2 **ENLISTED MEMBERS OF THE ARMED**
3 **FORCES.**

4 (a) **AUTHORITY.**—Section 414 of title 37, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 “(c) In addition to other pay or allowances authorized
8 by this title, a noncommissioned officer is entitled to a
9 personal money allowance of \$2,000 a year while serving
10 as the Sergeant Major of the Army, the Master Chief
11 Petty Officer of the Navy, the Chief Master Sergeant of
12 the Air Force, the Sergeant Major of the Marine Corps,
13 or the Master Chief Petty Officer of the Coast Guard.”.

14 (b) **EFFECTIVE DATE.**—This section and the amend-
15 ment made by this section shall take effect on October
16 1, 2000.

17 **SEC. 608. INCREASED UNIFORM ALLOWANCES FOR OFFI-**
18 **CERS.**

19 (a) **INITIAL ALLOWANCE.**—Section 415(a) of title 37,
20 United States Code, is amended by striking “\$200” and
21 inserting “\$400”.

22 (b) **ADDITIONAL ALLOWANCE.**—Section 416(a) of
23 such title is amended by striking “\$100” and inserting
24 “\$200”.

1 (c) EFFECTIVE DATE.—This section and the amend-
 2 ments made by this section shall take effect on October
 3 1, 2000.

4 **SEC. 609. CABINET-LEVEL AUTHORITY TO PRESCRIBE RE-**
 5 **QUIREMENTS AND ALLOWANCE FOR CLOTH-**
 6 **ING OF ENLISTED MEMBERS.**

7 Section 418 of title 37, United States Code, is
 8 amended—

9 (1) in subsection (a), by striking “The Presi-
 10 dent” and inserting “The Secretary of Defense and
 11 the Secretary of Transportation, with respect to the
 12 Coast Guard when it is not operating as a service
 13 in the Navy,”; and

14 (2) in subsection (b), by striking “the Presi-
 15 dent” and inserting “the Secretary of Defense”.

16 **Subtitle B—Bonuses and Special**
 17 **and Incentive Pays**

18 **SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
 19 **PAY AUTHORITIES FOR RESERVE FORCES.**

20 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN
 21 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
 22 302g(f) of title 37, United States Code, is amended by
 23 striking “December 31, 2000” and inserting “December
 24 31, 2001”.

1 (b) SELECTED RESERVE REENLISTMENT BONUS.—
2 Section 308b(f) of such title is amended by striking “De-
3 cember 31, 2000” and inserting “December 31, 2001”.

4 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
5 tion 308c(e) of such title is amended by striking “Decem-
6 ber 31, 2000” and inserting “December 31, 2001”.

7 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
8 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
9 308d(c) of such title is amended by striking “December
10 31, 2000” and inserting “December 31, 2001”.

11 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-
12 tion 308e(e) of such title is amended by striking “Decem-
13 ber 31, 2000” and inserting “December 31, 2001”.

14 (f) READY RESERVE ENLISTMENT AND REENLIST-
15 MENT BONUS.—Section 308h(g) of such title is amended
16 by striking “December 31, 2000” and inserting “Decem-
17 ber 31, 2001”.

18 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section
19 308i(f) of such title is amended by striking “December
20 31, 2000” and inserting “December 31, 2001”.

21 (h) REPAYMENT OF EDUCATION LOANS FOR CER-
22 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
23 LECTED RESERVE.—Section 16302(d) of title 10, United
24 States Code, is amended by striking “January 1, 2001”
25 and inserting “January 1, 2002”.

1 **SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
2 **PAY AUTHORITIES FOR NURSE OFFICER CAN-**
3 **DIDATES, REGISTERED NURSES, AND NURSE**
4 **ANESTHETISTS.**

5 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
6 GRAM.—Section 2130a(a)(1) of title 10, United States
7 Code, is amended by striking “December 31, 2000” and
8 inserting “December 31, 2001”.

9 (b) ACCESSION BONUS FOR REGISTERED NURSES.—
10 Section 302d(a)(1) of title 37, United States Code, is
11 amended by striking “December 31, 2000” and inserting
12 “December 31, 2001”.

13 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
14 THETISTS.—Section 302e(a)(1) of title 37, United States
15 Code, is amended by striking “December 31, 2000” and
16 inserting “December 31, 2001”.

17 **SEC. 613. EXTENSION OF AUTHORITIES RELATING TO PAY-**
18 **MENT OF OTHER BONUSES AND SPECIAL**
19 **PAYS.**

20 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
21 tion 301b(a) of title 37, United States Code, is amended
22 by striking “December 31, 2000,” and inserting “Decem-
23 ber 31, 2001,”.

24 (b) REENLISTMENT BONUS FOR ACTIVE MEM-
25 BERS.—Section 308(g) of such title is amended by strik-

1 ing “December 31, 2000” and inserting “December 31,
2 2001”.

3 (c) ENLISTMENT BONUS FOR PERSONS WITH CRIT-
4 ICAL SKILLS.—Section 308a(d) of such title is amended
5 by striking “December 31, 2000” and inserting “Decem-
6 ber 31, 2001”.

7 (d) ARMY ENLISTMENT BONUS.—Section 308f(c) of
8 such title is amended by striking “December 31, 2000”
9 and inserting “December 31, 2001”.

10 (e) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
11 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
12 312(e) of such title is amended by striking “December 31,
13 2000” and inserting “December 31, 2001”.

14 (f) NUCLEAR CAREER ACCESSION BONUS.—Section
15 312b(c) of such title is amended by striking “December
16 31, 2000” and inserting “December 31, 2001”.

17 (g) NUCLEAR CAREER ANNUAL INCENTIVE
18 BONUS.—Section 312c(d) of such title is amended by
19 striking “December 31, 2000” and inserting “December
20 31, 2001”.

21 **SEC. 614. CONSISTENCY OF AUTHORITIES FOR SPECIAL**
22 **PAY FOR RESERVE MEDICAL AND DENTAL**
23 **OFFICERS.**

24 (a) RESERVE MEDICAL OFFICERS SPECIAL PAY.—
25 Section 302(h)(1) of title 37, United States Code, is

1 amended by adding at the end: “, including active duty
2 in the form of annual training, active duty for training,
3 and active duty for special work”.

4 (b) RESERVE DENTAL OFFICERS SPECIAL PAY
5 AMENDMENT.—Subsection (d) of section 302f of title 37,
6 United States Code, is amended to read as follows:

7 “(d) SPECIAL RULE FOR RESERVE MEDICAL AND
8 DENTAL OFFICERS.—While a Reserve medical or dental
9 officer receives a special pay under section 302 or 302b
10 of this title by reason of subsection (a), the officer shall
11 not be entitled to special pay under section 302(h) or
12 302b(h) of this title.”.

13 **SEC. 615. SPECIAL PAY FOR PHYSICIAN ASSISTANTS OF**
14 **THE COAST GUARD.**

15 Section 302c(d)(1) of title 37, United States Code,
16 is amended by inserting after “nurse,” the following: “an
17 officer of the Coast Guard or Coast Guard Reserve des-
18 ignated as a physician assistant,”.

19 **SEC. 616. AUTHORIZATION OF SPECIAL PAY AND ACCES-**
20 **SION BONUS FOR PHARMACY OFFICERS.**

21 (a) AUTHORIZATION OF SPECIAL PAY.—Chapter 5 of
22 title 37, United States Code, is amended by inserting after
23 section 302h the following new section:

1 **“§ 302i. Special pay: pharmacy officers**

2 “(a) ARMY, NAVY, AND AIR FORCE PHARMACY OFFI-
3 CERS.—Under regulations prescribed pursuant to section
4 303a of this title, the Secretary of the military department
5 concerned may, subject to subsection (c), pay special pay
6 at the rates specified in subsection (d) to an officer who—

7 “(1) is a pharmacy officer in the Medical Serv-
8 ice Corps of the Army or Navy or the Biomedical
9 Sciences Corps of the Air Force; and

10 “(2) is on active duty under a call or order to
11 active duty for a period of not less than one year.

12 “(b) PUBLIC HEALTH SERVICE CORPS.—Subject to
13 subsection (c), the Secretary of Health and Human Serv-
14 ices may pay special pay at the rates specified in sub-
15 section (d) to an officer who—

16 “(1) is an officer in the Regular or Reserve
17 Corps of the Public Health Service and is designated
18 as a pharmacy officer; and

19 “(2) is on active duty under a call or order to
20 active duty for a period of not less than one year.

21 “(c) LIMITATION.—Special pay may not be paid
22 under this section to an officer serving in a pay grade
23 above pay grade O–6.

24 “(d) RATE OF SPECIAL PAY.—The rate of special pay
25 paid to an officer subsection (a) or (b) is as follows:

4 “(2) \$7,000 per year, if the officer has at least
5 3 but less than 6 years of creditable service and is
6 not undergoing pharmacy internship training.

7 “(3) \$7,000 per year, if the officer has at least
8 6 but less than 8 years of creditable service.

9 “(4) \$12,000 per year, if the officer has at least
10 8 but less than 12 years of creditable service.

11 “(5) \$10,000 per year, if the officer has at least
12 12 but less than 14 years of creditable service.

13 “(6) \$9,000 per year, if the officer has at least
14 14 but less than 18 years of creditable service.

15 “(7) \$8,000 per year, if the officer has 18 or
16 more years of creditable service.”.

(b) AUTHORIZATION OF ACCESSION BONUSES.— Chapter 5 of that title is further amended by inserting after section 302i, as added by subsection (a) of this section, the following new section:

21 **“§ 302j. Special pay: accession bonus for pharmacy of-**
22 **ficers**

23 “(a) **ACCESSION BONUS AUTHORIZED.**—A person
24 who is a graduate of an accredited pharmacy school and
25 who, during the period beginning on the date of the enact-

1 ment of the National Defense Authorization Act for Fiscal
2 Year 2001 and ending on September 30, 2004, executes
3 a written agreement described in subsection (c) to accept
4 a commission as an officer of a uniformed service and re-
5 main on active duty for a period of not less than 4 years
6 may, upon acceptance of the agreement by the Secretary
7 concerned, be paid an accession bonus in an amount deter-
8 mined by the Secretary concerned.

9 “(b) LIMITATION ON AMOUNT OF BONUS.—The
10 amount of an accession bonus under subsection (a) may
11 not exceed \$30,000.

12 “(c) LIMITATION ON ELIGIBILITY FOR BONUS.—A
13 person may not be paid a bonus under subsection (a) if—

14 “(1) the person, in exchange for an agreement
15 to accept an appointment as a warrant or commis-
16 sioned officer, received financial assistance from the
17 Department of Defense or the Department of Health
18 and Human Services to pursue a course of study in
19 pharmacy; or

20 “(2) the Secretary concerned determines that
21 the person is not qualified to become and remain li-
22 censed as a pharmacist.

23 “(d) AGREEMENT.—The agreement referred to in
24 subsection (a) shall provide that, consistent with the needs
25 of the uniformed service concerned, the person executing

1 the agreement shall be assigned to duty, for the period
2 of obligated service covered by the agreement, as a phar-
3 macy officer in the Medical Service Corps of the Army
4 or Navy, a biomedical sciences officer in the Air Force
5 designated as a pharmacy officer, or a pharmacy officer
6 of the Public Health Service.

7 “(e) REPAYMENT.—(1) An officer who receives a pay-
8 ment under subsection (a) and who fails to become and
9 remain licensed as a pharmacist during the period for
10 which the payment is made shall refund to the United
11 States an amount equal to the full amount of such pay-
12 ment.

13 “(2) An officer who voluntarily terminates service on
14 active duty before the end of the period agreed to be
15 served under subsection (a) shall refund to the United
16 States an amount that bears the same ratio to the amount
17 paid to the officer as the unserved part of such period
18 bears to the total period agreed to be served.

19 “(3) An obligation to reimburse the United States
20 under paragraph (1) or (2) is for all purposes a debt owed
21 to the United States.

22 “(4) A discharge in bankruptcy under title 11 that
23 is entered less than 5 years after the termination of an
24 agreement under this section does not discharge the per-
25 son signing such agreement from a debt arising under

1 such agreement or this subsection. This paragraph applies
 2 to any case commenced under title 11 after the date of
 3 the enactment of the National Defense Authorization Act
 4 for Fiscal Year 2001.”.

5 (c) ADMINISTRATION.—Section 303a of title 37,
 6 United States Code, is amended by striking “302h” each
 7 place it appears and inserting “302j”.

8 (d) CLERICAL AMENDMENT.—The table of sections
 9 at the beginning of chapter 5 of such title is amended by
 10 inserting after the item relating to section 302h the fol-
 11 lowing new items:

“302i. Special pay: pharmacy officers.

“302j. Special pay: accession bonus for pharmacy officers.”.

12 **SEC. 617. CORRECTION OF REFERENCES TO AIR FORCE**
 13 **VETERINARIANS.**

14 Section 303(a) of title 37, United States Code, is
 15 amended—

16 (1) in paragraph (1)(B), by striking “who is
 17 designated as a veterinary officer” and inserting
 18 “who is an officer in the Biomedical Sciences Corps
 19 and holds a degree in veterinary medicine”; and

20 (2) in paragraph (2), by striking subparagraph
 21 (B) and inserting the following:

22 “(B) of a reserve component of the Air
 23 Force, of the Army or the Air Force without

1 specification of component, or of the National
 2 Guard, who—

3 “(i) is designated as a veterinary offi-
 4 cer; or

5 “(ii) is an officer in the Biomedical
 6 Sciences Corps of the Air Force and holds
 7 a degree in veterinary medicine; or”.

8 **SEC. 618. ENTITLEMENT OF ACTIVE DUTY OFFICERS OF**
 9 **THE PUBLIC HEALTH SERVICE CORPS TO**
 10 **SPECIAL PAYS AND BONUSES OF HEALTH**
 11 **PROFESSIONAL OFFICERS OF THE ARMED**
 12 **FORCES.**

13 (a) IN GENERAL.—Section 303a of title 37, United
 14 States Code, is amended—

15 (1) by redesignating subsections (b) and (c) as
 16 subsections (c) and (d); and

17 (2) by inserting after subsection (a) the fol-
 18 lowing new subsection (b):

19 “(b)(1) Except as provided in paragraph (2) or as
 20 otherwise provided under a provision of this chapter, com-
 21 missioned officers in the Regular or Reserve Corps of the
 22 Public Health Service shall be entitled to special pay under
 23 the provisions of this chapter in the same amounts, and
 24 under the same terms and conditions, as commissioned of-

1 ficers of the armed forces are entitled to special pay under
 2 the provisions of this chapter.

3 “(2) A commissioned medical officer in the Regular
 4 or Reserve Corps of the Public Health Service (other than
 5 an officer serving in the Indian Health Service) may not
 6 receive additional special pay under section 302(a)(4) of
 7 this title for any period during which the officer is pro-
 8 viding obligated service under the following provisions of
 9 law:

10 “(A) Section 338B of the Public Health Service
 11 Act (42 U.S.C. 254*l*–1).

12 “(B) Section 225(e) of the Public Health Serv-
 13 ice Act, as that section was in effect before 1, 1977.

14 “(C) Section 752 of the Public Health Service
 15 Act, as that section was in effect between October
 16 1, 1977, and August 13, 1981.”.

17 (b) REPEAL OF SUPERSEDED PROVISIONS.—Section
 18 208(a) of the Public Health Service Act (42 U.S.C.
 19 210(a)) is amended—

20 (1) by striking paragraphs (2) and (3); and

21 (2) by inserting after paragraph (1) the fol-
 22 lowing new paragraph (2):

23 “(2) For provisions relating to the receipt of special
 24 pay by commissioned officers of the Regular and Reserve

1 Corps while on active duty, see section 303a(b) of title
2 37, United States Code.”.

3 **SEC. 619. CAREER SEA PAY.**

4 (a) REFORM OF AUTHORITIES.—Section 305a of title
5 37, United States Code, is amended—

6 (1) in subsection (a), by striking “Under regu-
7 lations prescribed by the President, a member” and
8 inserting “A member”;

9 (2) by redesignating subsection (d) as sub-
10 section (e); and

11 (3) by striking subsections (b) and (c) and in-
12 serting the following:

13 “(b) The Secretary concerned shall prescribe the
14 monthly rates for special pay applicable to members of
15 each armed force under the Secretary’s jurisdiction. No
16 monthly rate may exceed \$750.

17 “(c) A member of a uniformed service entitled to ca-
18 reer sea pay under this section who has served 36 consecu-
19 tive months of sea duty is also entitled to a career sea
20 pay premium for the thirty-seventh consecutive month and
21 each subsequent consecutive month of sea duty served by
22 such member. The monthly amount of the premium shall
23 be prescribed by the Secretary concerned, but may not ex-
24 ceed \$350.

1 “(d) The Secretary concerned shall prescribe regula-
 2 tions for the administration of this section for the armed
 3 force or armed forces under the jurisdiction of the Sec-
 4 retary. The entitlements under this section shall be subject
 5 to the regulations.”.

6 (b) EFFECTIVE DATE.—The amendments made by
 7 this section shall take effect on October 1, 2000, and shall
 8 apply with respect to months beginning on or after that
 9 date.

10 **SEC. 620. INCREASED MAXIMUM RATE OF SPECIAL DUTY**
 11 **ASSIGNMENT PAY.**

12 Section 307(a) of title 37, United States Code, is
 13 amended—

14 (1) by striking “\$275” and inserting “\$600”;
 15 and

16 (2) by striking the second sentence.

17 **SEC. 621. EXPANSION OF APPLICABILITY OF AUTHORITY**
 18 **FOR CRITICAL SKILLS ENLISTMENT BONUS**
 19 **TO INCLUDE ALL ARMED FORCES.**

20 (a) EXPANSION OF AUTHORITY.—Section 308f of
 21 title 37, United States Code, is amended—

22 (1) by striking “Secretary of the Army” each
 23 place it appears and inserting “Secretary con-
 24 cerned”; and

1 (2) by striking “the Army” in subsections
 2 (a)(3) and (c) and inserting “an armed force”.

3 (b) CONFORMING AMENDMENT.—The heading for
 4 such section is amended to read as follows:

5 **“§ 308f. Special pay: bonus for enlistment”.**

6 (c) CLERICAL AMENDMENT.—The table of sections
 7 at the beginning of chapter 5 of title 37, United States
 8 Code, is amended by striking the item relating to section
 9 308f and inserting the following:

“308f. Special pay: bonus for enlistment.”.

10 (d) EFFECTIVE DATE.—This section and the amend-
 11 ments made by this section shall take effect on October
 12 1, 2000, and shall apply with respect to months beginning
 13 on or after that date.

14 **Subtitle C—Travel and** 15 **Transportation Allowances**

16 **SEC. 631. ADVANCE PAYMENTS FOR TEMPORARY LODGING** 17 **OF MEMBERS AND DEPENDENTS.**

18 (a) SUBSISTENCE EXPENSES.—Section 404a of title
 19 37, United States Code, is amended—

20 (1) by redesignating subsections (b) and (c) as
 21 subsections (d) and (e), respectively; and

22 (2) by striking subsection (a) and inserting the
 23 following:

24 “(a)(1) Under regulations prescribed by the Secre-
 25 taries concerned, a member of a uniformed service who

1 is ordered to make a change of permanent station de-
2 scribed in paragraph (2) shall be paid or reimbursed for
3 subsistence expenses of the member and the member's de-
4 pendants for the period (subject to subsection (c)) for
5 which the member and dependents occupy temporary
6 quarters incident to that change of permanent station.

7 “(2) Paragraph (1) applies to the following:

8 “(A) A permanent change of station from any
9 duty station to a duty station in the United States
10 (other than Hawaii or Alaska).

11 “(B) A permanent change of station from a
12 duty station in the United States (other than Hawaii
13 or Alaska) to a duty station outside the United
14 States or in Hawaii or Alaska.

15 “(b) The Secretary concerned may make any pay-
16 ment for subsistence expenses to a member under this sec-
17 tion in advance of the incurrence of the expenses. The
18 amount of an advance payment made to a member shall
19 be computed on the basis of the Secretary's determination
20 of the average number of days that members and their
21 dependents occupy temporary quarters under the cir-
22 cumstances applicable to the member and the member's
23 dependents.

24 “(c)(1) In the case of a change of permanent station
25 described in subsection (a)(2)(A), the period for which

1 subsistence expenses are to be paid or reimbursed under
2 this section may not exceed 10 days.

3 “(2) In the case of a change of permanent station
4 described in subsection (a)(2)(B)—

5 “(A) the period for which such expenses are to
6 be paid or reimbursed under this section may not ex-
7 ceed five days; and

8 “(B) such payment or reimbursement may be
9 provided only for expenses incurred before leaving
10 the United States (other than Hawaii or Alaska).”.

11 (b) PER DIEM.—Section 405 of such title is
12 amended—

13 (1) by redesignating subsection (b) as sub-
14 section (c); and

15 (2) by striking subsection (a) and inserting the
16 following:

17 “(a) Without regard to the monetary limitation of
18 this title, the Secretary concerned may pay a per diem to
19 a member who is on duty outside of the United States
20 or in Hawaii or Alaska, whether or not the member is in
21 a travel status. The Secretary may pay the per diem in
22 advance of the accrual of the per diem.

23 “(b) In determining the per diem to be paid under
24 this section, the Secretary concerned shall consider all ele-
25 ments of the cost of living to members of the uniformed

1 services under the Secretary's jurisdiction and their de-
2 pendants, including the cost of quarters, subsistence, and
3 other necessary incidental expenses. However, dependents
4 may not be considered in determining the per diem allow-
5 ance for a member in a travel status.”.

6 **SEC. 632. INCENTIVE FOR SHIPPING AND STORING HOUSE-**
7 **HOLD GOODS IN LESS THAN AVERAGE**
8 **WEIGHTS.**

9 Section 406(b)(1) of title 37, United States Code, is
10 amended by adding at the end the following new subpara-
11 graph:

12 “(G) The Secretary concerned may pay a member a
13 share (determined by the Secretary) of the amount of the
14 savings resulting to the United States for less than aver-
15 age shipping and storage of the member's baggage and
16 household effects under subparagraph (A). Shipping and
17 storage of a member's baggage and household effects for
18 a member shall be considered as less than average if the
19 total weights of the baggage and household effects shipped
20 and stored are less than the average weights of the bag-
21 gage and household effects that are shipped and stored,
22 respectively, by members of the same grade and status
23 with respect to dependents as the member in connection
24 with changes of station that are comparable to the mem-
25 ber's change of station. The amount of the savings shall

1 be the amount equal to the excess of the cost of shipping
 2 and cost of storing such average weights of baggage and
 3 household effects, respectively, over the corresponding
 4 costs associated with the weights of the member's baggage
 5 and household effects. For the administration of this sub-
 6 paragraph, the Secretary of Defense shall annually deter-
 7 mine the average weights of baggage and household effects
 8 shipped and stored.”.

9 **SEC. 633. EXPANSION OF FUNDED STUDENT TRAVEL.**

10 Section 430 of title 37, United States Code, is
 11 amended—

12 (1) in subsection (a)(3), by striking “for the
 13 purpose of obtaining a secondary or undergraduate
 14 college education” and inserting “for the purpose of
 15 obtaining a formal education”;

16 (2) in subsection (b), by striking “for the pur-
 17 pose of obtaining a secondary or undergraduate col-
 18 lege education” and inserting “for the purpose of
 19 obtaining a formal education”; and

20 (3) in subsection (f)—

21 (A) by striking “In this section, the term”
 22 and insert the following:

23 “In this section:

24 “(1) The term”; and

25 (B) by adding at the end the following:

1 “(2) The term ‘formal education’ means the fol-
2 lowing:

3 “(A) A secondary education.

4 “(B) An undergraduate college education.

5 “(C) A graduate education pursued on a
6 full-time basis at an institution of higher edu-
7 cation (as defined in section 101 of the Higher
8 Education Act of 1965 (20 U.S.C. 1001)).

9 “(D) Vocational education pursued on a
10 full-time basis at a post-secondary vocational
11 institution (as defined in section 102(c) of the
12 Higher Education Act of 1965 (20 U.S.C.
13 1002(c))).”.

14 **SEC. 634. BENEFITS FOR MEMBERS NOT TRANSPORTING**
15 **PERSONAL MOTOR VEHICLES OVERSEAS.**

16 (a) INCENTIVES.—Section 2634 of title 10, United
17 States Code, is amended—

18 (1) by redesignating subsection (h) as sub-
19 section (i); and

20 (2) by inserting after subsection (g) the fol-
21 lowing new subsection (h):

22 “(h)(1) If a member of an armed force authorized
23 the transportation of a motor vehicle under subsection (a)
24 elects not to have the vehicle transported and not (if eligi-
25 ble) to have the vehicle stored under subsection (b), the

1 Secretary concerned may pay the member a share (deter-
2 mined by the Secretary) of the amount of the savings re-
3 sulting to the United States. The Secretary may make the
4 payment in advance of the member's change of permanent
5 station.

6 “(2) The Secretary of Defense shall determine annu-
7 ally the rates of savings to the United States that are as-
8 sociated with elections of a member described in para-
9 graph (1).”.

10 (b) STORAGE AS ALTERNATIVE TO TRANSPORTATION
11 FOR UNACCOMPANIED ASSIGNMENTS.—Subsection (b) of
12 such section—

13 (1) by redesignating paragraph (3) as para-
14 graph (4); and

15 (2) by inserting after paragraph (2) the fol-
16 lowing new paragraph (3):

17 “(3) If a member authorized the transportation of a
18 motor vehicle under subsection (a) is not authorized under
19 reassignment orders to be accompanied by dependents on
20 a command-sponsored basis, the member may elect, in lieu
21 of that transportation, to have the motor vehicle stored
22 at a location approved by the Secretary concerned. If stor-
23 age is elected, the Secretary shall pay the expenses associ-
24 ated with the storage of the vehicle, as authorized under
25 paragraph (4), up to the amount equal to the cost that

1 would have been incurred by the United States for trans-
 2 portation of the vehicle under subsection (a). The member
 3 shall be responsible for the payment of the costs of the
 4 storage in excess of that amount.”.

5 **Subtitle D—Retirement Benefits**

6 **SEC. 641. EXCEPTION TO HIGH-36 MONTH RETIRED PAY** 7 **COMPUTATION FOR MEMBERS RETIRED FOL-** 8 **LOWING A DISCIPLINARY REDUCTION IN** 9 **GRADE.**

10 Section 1407 of title 10, United States Code, is
 11 amended—

12 (1) in subsection (b), by striking “The retired
 13 pay base” and inserting “Except as provided in sub-
 14 section (f), the retired pay base”; and

15 (2) by adding at the end the following new sub-
 16 section:

17 “(f) EXCEPTION FOR ENLISTED MEMBERS REDUCED
 18 IN GRADE AND OFFICERS WHO DO NOT SERVE SATIS-
 19 FACTORILY IN HIGHEST GRADE HELD.—

20 “(1) COMPUTATION BASED ON PRE-HIGH-
 21 THREE RULES.—In the case of a member or former
 22 member described in paragraph (2), the retired pay
 23 base or retainer pay base is determined under sec-
 24 tion 1406 of this title in the same manner as if the

1 member or former member first became a member
2 of a uniformed service before September 8, 1980.

3 “(2) AFFECTED MEMBERS.—A member or
4 former member referred to in paragraph (1) is a
5 member or former member who by reason of conduct
6 occurring after the date of the enactment of this
7 subsection—

8 “(A) in the case of a member retired in an
9 enlisted grade or transferred to the Fleet Re-
10 serve or Fleet Marine Corps Reserve, was at
11 any time reduced in grade as the result of a
12 court-martial sentence, nonjudicial punishment,
13 or an administrative action, unless the member
14 was subsequently promoted to a higher enlisted
15 grade or appointed to a commissioned or war-
16 rant grade; and

17 “(B) in the case of an officer, is retired in
18 a grade lower than the highest grade in which
19 served by reason of denial of a determination or
20 certification under section 1370 of this title
21 that the officer served on active duty satisfac-
22 torily in that grade.

23 “(3) SPECIAL RULE FOR ENLISTED MEM-
24 BERS.—In the case of a member who retires within
25 three years after having been reduced in grade as

1 described in paragraph (2)(A), who retires in an en-
 2 listed grade that is lower than the grade from which
 3 reduced, and who would be subject to paragraph
 4 (2)(A) but for a subsequent promotion to a higher
 5 enlisted grade or a subsequent appointment to a
 6 warrant or commissioned grade, the rates of basic
 7 pay used in the computation of the member's high-
 8 36 average for the period of the member's service in
 9 a grade higher than the grade in which retired shall
 10 be the rates of pay that would apply if the member
 11 had been serving for that period in the grade in
 12 which retired.”.

13 **SEC. 642. AUTOMATIC PARTICIPATION IN RESERVE COMPO-**
 14 **NENT SURVIVOR BENEFIT PLAN UNLESS DE-**
 15 **CLINED WITH SPOUSE'S CONSENT.**

16 (a) INITIAL OPPORTUNITY TO DECLINE.—Para-
 17 graph (2)(B) of section 1448(a) of title 10, United States
 18 Code, is amended to read as follows:

19 “(B) RESERVE-COMPONENT ANNUITY PAR-
 20 TICIPANTS.—A person who is—

21 “(i) eligible to participate in the Plan
 22 under paragraph (1)(B); and

23 “(ii) married or has a dependent child
 24 when he is notified under section 12731(d)
 25 of this title that he has completed the

1 years of service required for eligibility for
 2 reserve-component retired pay, unless the
 3 person elects (with his spouse's concu-
 4 rence, if required under paragraph (3)) not
 5 to participate in the Plan before the end of
 6 the 90-day period beginning on the date he
 7 receives such notification.

8 A person who elects not to participate in the
 9 Plan as described in the foregoing sentence re-
 10 mains eligible, upon reaching 60 years of age
 11 and otherwise becoming entitled to retired pay,
 12 to participate in the Plan in accordance with
 13 eligibility under paragraph (1)(A).”.

14 (b) SPOUSAL CONSENT REQUIREMENT.—Paragraph
 15 (3)(B) of such section is amended—

16 (1) by striking “who elects to provide” and in-
 17 serting “who is eligible to provide”;

18 (2) by redesignating clauses (i) and (ii) as
 19 clauses (iii) and (iv), respectively; and

20 (3) by inserting before clause (iii), as so redesi-
 21 gnated, the following:

22 “(i) not to participate in the Plan;

23 “(ii) to defer the effective date of an-
 24 nuity payments to the 60th anniversary of

1 the member's birth pursuant to subsection
2 (e)(2);”.

3 (c) IRREVOCABILITY OF ELECTION NOT TO PARTICI-
4 PATE MADE UPON RECEIPT OF 20-YEAR LETTER.—
5 Paragraph (4)(B) of such section is amended by striking
6 “to participate in the Plan is irrevocable” and inserting
7 “not to participate in the Plan is, subject to the sentence
8 following clause (ii) of paragraph (2)(B), irrevocable”.

9 (d) DESIGNATION OF COMMENCEMENT OF RESERVE-
10 COMPONENT ANNUITY.—(1) Section 1448(e) of title 10,
11 United States Code, is amended by striking “a person
12 electing to participate” and all that follows through “mak-
13 ing such election” and inserting “a person is required to
14 make a designation under this subsection, the person”.

15 (2) Section 1450(j)(1) of such title is amended to
16 read as follows:

17 “(1) PERSON MAKING SECTION 1448(e) DES-
18 IGNATION.—A reserve-component annuity shall be
19 effective in accordance with the designation made
20 under section 1448(e) of this title by the person pro-
21 viding the annuity.”.

22 (e) EFFECTIVE DATE.—This section and the amend-
23 ments made by this section shall take effect on October
24 1, 2000.

1 **SEC. 643. PARTICIPATION IN THRIFT SAVINGS PLAN.**

2 (a) EFFECTIVE DATE OF PARTICIPATION AUTHOR-
3 ITY.—Section 663 of the National Defense Authorization
4 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.
5 673; 5 U.S.C. 8440 note) is amended to read as follows:

6 **“SEC. 663. EFFECTIVE DATE.**

7 “(a) IN GENERAL.—The amendments made by this
8 subtitle shall take effect 180 days after the date of the
9 enactment of the National Defense Authorization Act for
10 Fiscal Year 2001.

11 “(b) POSTPONEMENT AUTHORITY.—(1) The Sec-
12 retary of Defense may postpone the authority of members
13 of the Ready Reserve to participate in the Thrift Savings
14 Plan under section 211 of title 37, United States Code
15 (as amended by this subtitle) up to 360 days after the
16 date referred to in subsection (a) if the Secretary, after
17 consultation with the Executive Director (appointed by the
18 Federal Retirement Thrift Investment Board), determines
19 that permitting such members to participate in the Thrift
20 Savings Plan earlier would place an excessive burden on
21 the administrative capacity of the Board to accommodate
22 participants in the Thrift Savings Plan.

23 “(2) The Secretary shall notify the congressional de-
24 fense committees, the Committee on Government Reform
25 of the House of Representatives, and the Committee on

1 Governmental Affairs of the Senate of any determination
2 made under paragraph (1).”.

3 (b) REGULATIONS.—Section 661(b) of such Act (113
4 Stat. 672; 5 U.S.C. 8440e) is amended by striking “the
5 date on which” and all that follows through “later,” and
6 inserting “the effective date of the amendments made by
7 this subtitle (determined under section 663(a)),”.

8 **SEC. 644. RETIREMENT FROM ACTIVE RESERVE SERVICE**
9 **AFTER REGULAR RETIREMENT.**

10 (a) CONVERSION TO RESERVE RETIREMENT.—(1)
11 Chapter 1223 of title 10, United States Code, is amended
12 by adding at the end the following:

13 **“§ 12741. Retirement from active reserve service per-**
14 **formed after regular retirement**

15 “(a) RESERVE RETIREMENT.—Upon the election of
16 a member or former member of a reserve component under
17 subsection (b), the Secretary concerned shall—

18 “(1) treat the person as being entitled to re-
19 tired pay under this chapter;

20 “(2) terminate the person’s entitlement to re-
21 tired pay that is payable out of the Department of
22 Defense Military Retirement Fund under any other
23 provision of law other than this chapter; and

24 “(3) in the case of a reserve commissioned offi-
25 cer, transfer the officer to the Retired Reserve.

1 “(b) ELIGIBILITY AND ELECTION.—A person who,
 2 after being retired under chapter 65, 367, 571, or 867
 3 of this title, serves in an active status in a reserve compo-
 4 nent of the armed forces may elect to receive retired pay
 5 under this chapter if—

6 “(1) the person would, except for paragraph (4)
 7 of section 12731(a) of this title, otherwise be enti-
 8 tled to retired pay under this chapter; and

9 “(2) during that reserve service, the person
 10 served satisfactorily as—

11 “(A) a reserve commissioned officer; or

12 “(B) a reserve noncommissioned officer.

13 “(c) TIME AND FORM OF ELECTION.—An election
 14 under subsection (b) shall be made within such time and
 15 in such form as the Secretary concerned requires.

16 “(d) EFFECTIVE DATE OF ELECTION.—An election
 17 made by a person under subsection (b) shall be effective—

18 “(1) except as provided in paragraph (2)(B), as
 19 of the date on which the person attains 60 years of
 20 age, if the election is made in accordance with this
 21 section within 180 days after that date; or

22 “(2) on the first day of the first month that be-
 23 gins after the date on which the election is made in
 24 accordance with this section, if—

1 “(A) the election is made more than 180
 2 days after the date on which the person attains
 3 60 years of age; or

4 “(B) the person retires from active reserve
 5 service within that 180-day period.”.

6 (2) The table of sections at the beginning of such
 7 chapter is amended by adding at the end the following:

“12741. Retirement from active service performed after regular retirement.”.

8 (b) **EFFECTIVE DATE AND APPLICABILITY.—**(1)

9 This section and the amendments made by this section
 10 shall take effect 180 days after the date of the enactment
 11 of this Act.

12 (2) No benefits shall accrue under section 12741 of
 13 title 10, United States Code (as added by subsection (a)),
 14 for any period before the first day of the first month that
 15 begins on or after the effective date of this section.

16 **SEC. 645. SAME TREATMENT FOR FEDERAL JUDGES AS FOR**
 17 **OTHER FEDERAL OFFICIALS REGARDING**
 18 **PAYMENT OF MILITARY RETIRED PAY.**

19 (a) **REPEAL OF REQUIREMENT FOR SUSPENSION**
 20 **DURING REGULAR ACTIVE SERVICE.—**Section 371 of title
 21 28, United States Code, is amended—

22 (1) by striking subsection (e); and

23 (2) by redesignating subsection (f) as sub-
 24 section (e).

1 (b) CONFORMING AMENDMENTS.—Subsection (b) of
 2 such section is amended by striking “subsection (f)” each
 3 place it appears and inserting “subsection (e)”.

4 (c) RETROACTIVE EFFECTIVE DATE.—The amend-
 5 ments made by this section shall take effect as of October
 6 1, 1999.

7 **Subtitle E—Other Matters**

8 **SEC. 651. REIMBURSEMENT OF RECRUITING AND ROTC** 9 **PERSONNEL FOR PARKING EXPENSES.**

10 (a) IN GENERAL.—Chapter 53 of title 10, United
 11 States Code, is amended by inserting after section 1053
 12 the following new section:

13 **“§ 1053a. Reimbursement of recruiting and ROTC** 14 **personnel: parking expenses**

15 “(a) AUTHORITY.—The Secretary concerned may,
 16 under regulations prescribed by the Secretary of Defense,
 17 reimburse eligible Department of Defense personnel for
 18 expenses incurred for parking a privately owned vehicle
 19 at a place of duty.

20 “(b) ELIGIBILITY.—A member of the armed forces
 21 or employee of the Department of Defense is eligible for
 22 reimbursement under subsection (a) while—

23 “(1) assigned to duty as a recruiter for any of
 24 the armed forces;

1 “(2) assigned to duty at a military entrance
2 processing facility of the armed forces; or

3 “(3) detailed for instructional and administra-
4 tive duties at any institution where a unit of the
5 Senior Reserve Officers’ Training Corps is main-
6 tained.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such chapter is amended by inserting
9 after the item relating to section 1053 the following:

 “1053a. Reimbursement of recruiting and ROTC personnel: parking expenses.”.

10 **SEC. 652. EXTENSION OF DEADLINE FOR FILING CLAIMS**

11 **ASSOCIATED WITH CAPTURE AND INTERN-**
12 **MENT OF CERTAIN PERSONS BY NORTH VIET-**
13 **NAM.**

14 Section 657(d)(1) of the National Defense Authoriza-
15 tion Act for Fiscal Year 1997 (Public Law 104–201; 110
16 Stat. 2585) is amended by adding at the end the following:
17 “The Secretary may extend the time limitation under the
18 preceding sentence for up to 18 months in the case of any
19 claim for which the Secretary determines that the exten-
20 sion is necessary to prevent an injustice or that a failure
21 to file within the time limitation is due to excusable ne-
22 glect.”.

1 **SEC. 653. SETTLEMENT OF CLAIMS FOR PAYMENTS FOR**
 2 **UNUSED ACCRUED LEAVE AND FOR RETIRED**
 3 **PAY.**

4 (a) CLAIMS FOR PAYMENTS FOR UNUSED ACCRUED
 5 LEAVE.—Subsection (a)(1) of section 3702 of title 31,
 6 United States Code, is amended by inserting “payments
 7 for unused accrued leave,” after “transportation,”.

8 (b) WAIVER OF TIME LIMITATIONS.—Subsection
 9 (e)(1) of such section is amended by striking “claim for
 10 pay or allowances under title 37” and inserting “claim for
 11 pay, allowances, or payment for unused accrued leave
 12 under title 37 or a claim for retired pay under title 10”.

13 **SEC. 654. ELIGIBILITY OF CERTAIN MEMBERS OF THE INDI-**
 14 **VIDUAL READY RESERVE FOR**
 15 **SERVICEMEMBERS’ GROUP LIFE INSURANCE.**

16 Section 1965(5) of title 38, United States Code, is
 17 amended—

18 (1) by striking “and” at the end of subpara-
 19 graph (B);

20 (2) by redesignating subparagraph (C) as sub-
 21 paragraph (D); and

22 (3) by inserting after subparagraph (B) the fol-
 23 lowing new subparagraph (C):

24 “(C) a person who volunteers for assign-
 25 ment to a category in the Individual Ready Re-
 26 serve of a uniformed service that is subject to

1 an involuntary call to active duty under section
2 12304 of title 10; and”.

3 **SEC. 655. AUTHORITY TO PAY GRATUITY TO CERTAIN VET-**
4 **ERANS OF BATAAN AND CORREGIDOR.**

5 (a) PAYMENT OF GRATUITY AUTHORIZED.—The
6 Secretary of Veterans Affairs may pay a gratuity to a cov-
7 ered veteran, or to the surviving spouse of a covered vet-
8 eran, in the amount of \$20,000.

9 (b) COVERED VETERAN DEFINED.—For purposes of
10 subsection (a), the term “covered veteran” means any vet-
11 eran of the Armed Forces who—

12 (1) served at Bataan or Corregidor in the Phil-
13 ippines during World War II;

14 (2) was captured and held as a prisoner of war
15 by Japan as a result of such service; and

16 (3) was required by Japan to perform slave
17 labor in Japan during World War II.

18 (c) RELATIONSHIP TO OTHER PAYMENTS.—Any
19 amount paid a person under this section for activity de-
20 scribed in subsection (b) is in addition to any other
21 amount paid such person for such activity under any other
22 provision of law.

1 **TITLE VII—HEALTH CARE**
2 **Subtitle A—Senior Health Care**

3 **SEC. 701. EXTENSION OF TRICARE SENIOR SUPPLEMENT**
4 **DEMONSTRATION PROGRAM.**

5 Section 722(a)(2) of the Strom Thurmond National
6 Defense Authorization Act for Fiscal Year 1999 (Public
7 Law 105–261; 112 Stat. 2065; 10 U.S.C. 1073 note) is
8 amended by striking “December 31, 2002” and inserting
9 “December 31, 2005”.

10 **SEC. 702. TRICARE SENIOR PRIME DEMONSTRATION PRO-**
11 **GRAM.**

12 (a) EXTENSION OF DEMONSTRATION PROGRAM.—
13 Paragraph (4) of section 1896(b) of the Social Security
14 Act (42 U.S.C. 1395ggg(b)) is amended by striking “3-
15 year period beginning on January 1, 1998” and inserting
16 “period beginning on January 1, 1998, and ending on De-
17 cember 31, 2005”.

18 (b) ADDITION OF MAJOR MEDICAL CENTERS.—
19 Paragraph (1)(A) of such section 1895(b) is amended by
20 striking “in a military treatment facility” and inserting
21 “in a Department of Defense medical center considered
22 by the Secretary to be a major medical center, in any other
23 military treatment facility,”.

1 (c) DESIGNATION OF ADDITIONAL SITES.—Para-
 2 graph (2) of such section 1896(b) is amended to read as
 3 follows:

4 “(2) DESIGNATION OF SITES.—

5 “(A) IN GENERAL.—The project estab-
 6 lished under this section shall be conducted at
 7 sites designated jointly by the administering
 8 Secretaries after review of all TRICARE re-
 9 gions.

10 “(B) SPECIFIC SITES.—The sites for the
 11 project shall include the 6 sites designated in
 12 accordance with subparagraph (A) before the
 13 date of the enactment of the National Defense
 14 Authorization Act for Fiscal Year 2001 and the
 15 major medical centers designated after such
 16 date in accordance with that subparagraph.”.

17 **SEC. 703. EXTENSION AND EXPANSION OF DEMONSTRA-**
 18 **TION PROJECT FOR PARTICIPATION OF UNI-**
 19 **FORMED SERVICES PERSONNEL IN THE FED-**
 20 **ERAL EMPLOYEES HEALTH BENEFITS PRO-**
 21 **GRAM.**

22 (a) EXTENSION.—(1) Subsection (d) of section 1108
 23 of title 10, United States Code, is amended—

24 (A) in paragraph (1), by striking “three con-
 25 tract years” and inserting “six contract years”; and

1 (B) in paragraph (2), by striking “December
2 31, 2002” in the second sentence and inserting “De-
3 cember 31, 2005”.

4 (2) Subsection (f)(1) of such section is amended to
5 read as follows:

6 “(1) Subject to paragraphs (2) and (3), the period
7 of enrollment of an eligible beneficiary who—

8 “(A) enrolls in the demonstration project dur-
9 ing the open enrollment period for the year 2000
10 shall be three years unless the beneficiary disenrolls
11 before the termination of the project; or

12 “(B) enrolls, or extends a previous enrollment
13 under subsection (d)(2), during the open enrollment
14 period for a year after 2000 shall be equal to the re-
15 maining number of years of the demonstration
16 project under this section unless the beneficiary
17 disenrolls before the termination of the project.”.

18 (b) ADDITIONAL AREAS OF COVERAGE.—Subsection
19 (c) of such section is amended—

20 (1) by striking “(c) AREA OF DEMONSTRATION
21 PROJECT.—” and inserting “(c) AREAS FOR DEM-
22 ONSTRATION PROJECT.—(1)”;

23 (2) by striking “, but not more than ten,”; and

24 (3) by striking the third sentence and inserting
25 the following:

1 “(2) In establishing the areas for the demonstration
 2 project, the Secretary and Director shall include an area
 3 that includes the catchment area of one or more military
 4 medical treatment facilities, an area that is not located
 5 in the catchment area of a military medical treatment fa-
 6 cility, an area in which there is a Medicare Subvention
 7 Demonstration project area under section 1896 of title
 8 XVIII of the Social Security Act (42 U.S.C. 1395ggg),
 9 and one area for each TRICARE region. Each area se-
 10 lected after the date of the enactment of the National De-
 11 fense Authorization Act for Fiscal Year 2001 shall be an
 12 area that is not located in the catchment area of a military
 13 medical treatment facility.”.

14 (c) IMPLEMENTATION.—The Secretary of Defense
 15 shall implement the amendments made by subsection (a)
 16 as soon as is practicable, but may waive the implementa-
 17 tion with respect to 2001 if the Secretary determines that
 18 it is impracticable to implement the amendments with re-
 19 spect to that year.

20 **SEC. 704. IMPLEMENTATION OF REDESIGNED PHARMACY**
 21 **SYSTEM.**

22 (a) ENROLLMENT FEE AND DEDUCTIBLES RE-
 23 QUIRED.—Subsection (b) of section 723 of the Strom
 24 Thurmond National Defense Authorization Act for Fiscal

1 Year 1999 (Public Law 105–261; 112 Stat. 2068; 10
2 U.S.C. 1073 note) is amended to read as follows:

3 “(b) ENROLLMENT FEES, DEDUCTIBLES, AND
4 OTHER CHARGES.—(1) The Secretary may require each
5 eligible individual described in subsection (e) who partici-
6 pates in the redesigned pharmacy system to pay an enroll-
7 ment fee. The Secretary shall ensure that any such enroll-
8 ment fee required after December 31, 2000, is lower than
9 the enrollment fee charged under this subsection on such
10 date.

11 “(2) The Secretary may also impose one or more
12 cost-sharing requirements for each individual referred to
13 in paragraph (1) for benefits under the redesigned phar-
14 macy system as follows:

15 “(A) An annual deductible requirement for each
16 such individual.

17 “(B) Any premiums, copayments, or other
18 charges that the Secretary would otherwise collect
19 from individuals similar to such individual.”.

20 (b) PERIODIC PAYMENT OF PREMIUMS.—Subsection
21 (b) of such section is further amended by adding at the
22 end the following:

23 “(2) An individual may elect to pay a premium
24 charged under this subsection on a monthly or quarterly
25 basis.”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall take effect on January 1, 2001, and shall
 3 apply with respect to participation in the redesigned phar-
 4 macy system under section 723 of Public Law 105–261
 5 for months beginning on or after that date.

6 **Subtitle B—TRICARE Program**

7 **SEC. 711. ADDITIONAL BENEFICIARIES UNDER TRICARE** 8 **PRIME REMOTE PROGRAM IN CONUS.**

9 (a) COVERAGE OF OTHER UNIFORMED SERVICES.—
 10 (1) Section 1074(c) of title 10, United States Code, is
 11 amended—

12 (A) by striking “armed forces” each place it ap-
 13 pears, except in paragraph (3)(A), and inserting
 14 “uniformed services”;

15 (B) in paragraph (1), by inserting after “mili-
 16 tary department” in the first sentence the following:
 17 “, the Department of Transportation (with respect
 18 to the Coast Guard when it is not operating as a
 19 service in the Navy), or the Department of Health
 20 and Human Services (with respect to the National
 21 Oceanic and Atmospheric Administration and the
 22 Public Health Service)”;

23 (C) in paragraph (2), by adding at the end the
 24 following:

1 “(C) The Secretary of Defense shall consult
2 with the other administering Secretaries in the ad-
3 ministration of this paragraph.”; and

4 (D) in paragraph (3)(A), by striking “The Sec-
5 retary of Defense may not require a member of the
6 armed forces described in subparagraph (B)” and
7 inserting “A member of the uniformed services de-
8 scribed in subparagraph (B) may not be required”.

9 (2)(A) Subsections (b), (c), and (d)(3) of section 731
10 of the National Defense Authorization Act for Fiscal Year
11 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C.
12 1074 note) are amended by striking “Armed Forces” and
13 inserting “uniformed services”.

14 (B) Subsection (b) of such section is further amended
15 by adding at the end the following:

16 “(4) The Secretary of Defense shall consult with the
17 other administering Secretaries in the administration of
18 this subsection.”.

19 (C) Subsection (f) of such section is amended by add-
20 ing at the end the following:

21 “(3) The terms ‘uniformed services’ and ‘ad-
22 ministering Secretaries’ have the meanings given
23 those terms in section 1072 of title 10, United
24 States Code.”.

1 (3) Section 706(b) of the National Defense Author-
2 ization Act for Fiscal Year 2000 (Public Law 106–65; 113
3 Stat. 684) is amended by striking “Armed Forces” and
4 inserting “uniformed services (as defined in section
5 1072(1) of title 10, United States Code)”.

6 (b) COVERAGE OF IMMEDIATE FAMILY.—(1) Section
7 1079 of title 10, United States Code, is amended by add-
8 ing at the end the following:

9 “(p)(1) Subject to such exceptions as the Secretary
10 of Defense considers necessary, coverage for medical care
11 under this section for the dependents referred to in sub-
12 section (a) of a member of the uniformed services referred
13 to in section 1074(c)(3) of this title who are residing with
14 the member, and standards with respect to timely access
15 to such care, shall be comparable to coverage for medical
16 care and standards for timely access to such care under
17 the managed care option of the TRICARE program known
18 as TRICARE Prime.

19 “(2) The Secretary of Defense shall enter into ar-
20 rangements with contractors under the TRICARE pro-
21 gram or with other appropriate contractors for the timely
22 and efficient processing of claims under this subsection.

23 “(3) The Secretary of Defense shall consult with the
24 other administering Secretaries in the administration of
25 this subsection.”.

1 (2) Section 731(b) of the National Defense Author-
2 ization Act for Fiscal Year 1998 (Public Law 105–85; 111
3 Stat. 1811; 10 U.S.C. 1074 note) is amended—

4 (A) in paragraph (1), by adding at the end the
5 following: “A dependent of the member, as described
6 in subparagraph (A), (D), or (I) of section 1072(2)
7 of title 10, United States Code, who is residing with
8 the member shall have the same entitlement to care
9 and to waiver of charges as the member.”; and

10 (B) in paragraph (2), by inserting “or depend-
11 ent of the member, as the case may be,” after “(2)
12 A member”.

13 (c) EFFECTIVE DATE.—(1) The amendments made
14 by subsection (a)(2), with respect to members of the uni-
15 formed services, and the amendments made by subsection
16 (b)(2), with respect to dependents of members, shall take
17 effect on the date of the enactment of this Act and shall
18 expire with respect to a member or the dependents of a
19 member, respectively, on the later of the following:

20 (A) The date that is one year after the date of
21 the enactment of this Act.

22 (B) The date on which the amendments sub-
23 section (a)(1) or (b)(1) apply with respect to the
24 coverage of medical care for and provision of such
25 care to the member or dependents, respectively.

1 (2) Section 731(b)(3) of Public Law 105–85 does not
2 apply to a member of the Coast Guard, the National Oce-
3 anic and Atmospheric Administration, or the Commis-
4 sioned Corps of the Public Health Service, or to a depend-
5 ent of a member of a uniformed service.

6 **SEC. 712. ELIMINATION OF COPAYMENTS FOR IMMEDIATE**
7 **FAMILY.**

8 (a) NO COPAYMENT FOR IMMEDIATE FAMILY.—Sec-
9 tion 1097a of title 10, United States Code, is amended—
10 (1) by redesignating subsection (e) as sub-
11 section (f); and

12 (2) by inserting after subsection (d) the fol-
13 lowing new subsection (e):

14 “(e) NO COPAYMENT FOR IMMEDIATE FAMILY.—No
15 copayment shall be charged a member for care provided
16 under TRICARE Prime to a dependent of a member of
17 the uniformed services described in subparagraph (A),
18 (D), or (I) of section 1072 of this title.”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 subsection (a) shall take effect on October 1, 2000, and
21 shall apply with respect to care provided on or after that
22 date.

1 **SEC. 713. IMPROVEMENT IN BUSINESS PRACTICES IN THE**
2 **ADMINISTRATION OF THE TRICARE PRO-**
3 **GRAM.**

4 (a) REQUIREMENT.—Not later than October 1, 2001,
5 the Secretary of Defense shall take actions that the Sec-
6 retary considers appropriate to improve the business prac-
7 tices used in administering the access of eligible persons
8 to health care services through the TRICARE program
9 under chapter 55 of title 10, United States Code, includ-
10 ing the practices relating to the following:

11 (1) The availability and scheduling of appoint-
12 ments.

13 (2) The filing, processing, and payment of
14 claims.

15 (3) Public relations efforts that are focused on
16 outreach to eligible persons.

17 (4) The continuation of enrollments without ex-
18 piration.

19 (5) The portability of enrollments nationwide.

20 (b) CONSULTATION.—The Secretary of Defense shall
21 consult with the other administering Secretaries in the de-
22 velopment of the actions to be taken under subsection (a).

23 (c) REPORT.—Not later than March 15, 2001, the
24 Secretary of Defense shall submit to the Committees on
25 Armed Services of the Senate and House of Representa-

1 tives a report on the actions to be taken under subsection
2 (a).

3 (d) DEFINITIONS.—In this section the terms “admin-
4 istering Secretaries” and “TRICARE program” shall have
5 the meanings given such terms in section 1072 of title 10,
6 United States Code.

7 **Subtitle C—Joint Initiatives With**
8 **Department of Veterans Affairs**

9 **SEC. 721. TRACKING PATIENT SAFETY IN MILITARY AND**
10 **VETERANS HEALTH CARE SYSTEMS.**

11 (a) CENTRALIZED TRACKING PROCESS.—The Sec-
12 retary of Defense and the Secretary of Veterans Affairs
13 shall jointly prescribe a centralized process for the report-
14 ing, compiling, and analysis of errors in the provision of
15 health care under the Defense Health Program and the
16 Department of Veterans Affairs health care system that
17 endanger patients beyond the normal risks associated with
18 the care and treatment of the patients.

19 (b) SAFETY INDICATORS, ET CETERA.—The process
20 shall include such indicators, standards, and protocols as
21 the Secretary of Defense and the Secretary of Veterans
22 Affairs consider necessary for the establishment and ad-
23 ministration of an effective process.

1 **SEC. 722. PHARMACEUTICAL IDENTIFICATION TECH-**
2 **NOLOGY.**

3 (a) BAR CODE IDENTIFICATION TECHNOLOGY.—The
4 Secretary of Defense and the Secretary of Veterans Af-
5 fairs shall jointly develop a system for the use of bar codes
6 for the identification of pharmaceuticals.

7 (b) USE IN MAIL ORDER PHARMACEUTICALS PRO-
8 GRAM.—The Secretary of Defense, in consultation with
9 the Secretary of Veterans Affairs, shall experiment with
10 the use of bar code identification of pharmaceuticals in
11 the administration of the mail order pharmaceuticals pro-
12 gram carried out under section 1110(a) of title 10, United
13 States Code (as added by section 731).

14 **SEC. 723. MEDICAL INFORMATICS.**

15 (a) ADDITION MATTERS FOR ANNUAL REPORT ON
16 MEDICAL INFORMATICS ADVISORY COMMITTEE.—Section
17 723(d)(5) of the National Defense Authorization Act for
18 Fiscal Year 2000 (Public Law 106–65; 113 Stat. 697; 10
19 U.S.C. 1071 note) is amended to read as follows:

20 “(5) The Secretary of Defense shall submit to Con-
21 gress an annual report on medical informatics. The report
22 shall include a discussion of the following matters:

23 “(A) The activities of the Committee.

24 “(B) The coordination of development, develop-
25 ment, and maintenance of health care informatics
26 systems within the Federal Government, and be-

1 tween the Federal Government and the private sec-
2 tor.

3 “(C) The progress or growth occurring in med-
4 ical informatics.

5 “(D) How the TRICARE program and the De-
6 partment of Veterans Affairs health care system can
7 use the advancement of knowledge in medical
8 informatics to raise the standards of health care and
9 treatment and the expectations for improving health
10 care and treatment.”.

11 (b) FISCAL YEAR 2001 FUNDING FOR PHARMA-
12 CEUTICALS-RELATED MEDICAL INFORMATICS.—Of the
13 amount authorized to be appropriated under section
14 301(22)—

15 (1) \$64,000,000 is available for the commence-
16 ment of the implementation of a new computerized
17 medical record, including an automated entry order
18 system for pharmaceuticals, that makes all relevant
19 clinical information on a patient under the Defense
20 Health Program available when and where it is
21 needed; and

22 (2) \$9,000,000 is available for the implementa-
23 tion of an integrated pharmacy system under the
24 Defense Health Program that creates a single profile
25 for all of the prescription medications a patient

1 takes, regardless of whether the prescriptions for
 2 those medications were filled at military or private
 3 pharmacies serving Department of Defense bene-
 4 ficiaries worldwide.

5 **Subtitle D—Other Matters**

6 **SEC. 731. PERMANENT AUTHORITY FOR CERTAIN PHARMA-** 7 **CEUTICAL BENEFITS.**

8 (a) AUTHORITY.—(1) Chapter 55 of title 10, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing:

11 **“§ 1110. Pharmaceutical benefits**

12 “(a) PHARMACEUTICALS BY MAIL.—The Secretary of
 13 Defense shall carry out a program to provide eligible per-
 14 sons with prescription pharmaceuticals by mail.

15 “(b) RETAIL PHARMACY NETWORK.—To the max-
 16 imum extent practicable, the Secretary of Defense shall
 17 include in each managed health care program under this
 18 chapter, a program to supply prescription pharmaceuticals
 19 to eligible persons through a managed care network of
 20 community retail pharmacies in the area covered by the
 21 managed health care program.

22 “(c) ELIGIBLE PERSONS.—A person is eligible to ob-
 23 tain pharmaceuticals under the program of pharma-
 24 ceuticals by mail under subsection (a) or through a retail

1 pharmacy network included in a managed health care pro-
 2 gram under subsection (b) as follows:

3 “(1) A person who is eligible for medical care
 4 under a contract for medical care entered into by the
 5 Secretary of Defense under section 1079 or 1086 of
 6 this title.

7 “(2) A person who would be eligible for medical
 8 care under a contract for medical care entered into
 9 under section 1086 of this title except for the oper-
 10 ation of subsection (d)(1) of such section.

11 “(d) PHARMACEUTICALS OFFERED.—The Secretary
 12 of Defense shall determine the pharmaceuticals that may
 13 be obtained by eligible persons under subsection (a) or (b).

14 “(e) FEES.—The Secretary of Defense shall prescribe
 15 an appropriate fee, charge, or copayment to be paid by
 16 persons for pharmaceuticals obtained under subsection (a)
 17 or (b).

18 “(f) CONSULTATION REQUIREMENT.—The Secretary
 19 of Defense shall consult with the other administering Sec-
 20 retaries in the administration of this section.”.

21 (2) The table of sections at the beginning of such
 22 chapter is amended by adding at the end the following:

“1110. Pharmaceutical benefits.”.

23 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
 24 702 of the National Defense Authorization Act for Fiscal

1 Year 1993 (Public Law 102–484; 106 Stat. 2431; 10
2 U.S.C. 1079 note) is repealed.

3 (c) EFFECTIVE DATE.—This section and the amend-
4 ments made by this section shall take effect on January
5 1, 2001.

6 **SEC. 732. PROVISION OF DOMICILIARY AND CUSTODIAL**
7 **CARE FOR CHAMPUS BENEFICIARIES.**

8 (a) CONTINUATION OF CARE FOR CERTAIN
9 CHAMPUS BENEFICIARIES.—Section 703(a)(1) of the
10 National Defense Authorization Act for Fiscal Year 2000
11 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note)
12 is amended by inserting before the period at the end the
13 following: “or by the prohibition in section 1086(d)(1) of
14 such title”.

15 (b) COST LIMITATION FOR INDIVIDUAL CASE MAN-
16 AGEMENT PROGRAM.—(1) Section 1079(a)(17) of title 10,
17 United States Code, is amended—

18 (A) by inserting “(A)” after “(17)”; and

19 (B) by adding at the end the following:

20 “(B) The total amount expended under sub-
21 paragraph (A) for a fiscal year may not exceed
22 \$100,000,000.”.

23 (2) Section 703 of the National Defense Authoriza-
24 tion Act for Fiscal Year 2000 is amended by adding at
25 the end the following:

1 “(e) COST LIMITATION.—The total amount paid for
 2 services for eligible beneficiaries under subsection (a) for
 3 a fiscal year (together with the costs of administering the
 4 authority under that subsection) shall be included in the
 5 expenditures limited by section 1079(a)(17)(B) of title 10,
 6 United States Code.”.

7 (c) APPLICABILITY OF COST LIMITATION.—The
 8 amendments made by subsection (b) shall apply to fiscal
 9 years after fiscal year 1999.

10 **SEC. 733. MEDICAL AND DENTAL CARE FOR MEDAL OF**
 11 **HONOR RECIPIENTS AND THEIR DEPEND-**
 12 **ENTS.**

13 (a) MEDAL RECIPIENTS.—Section 1074 of title 10,
 14 United States Code, is amended by adding at the end the
 15 following:

16 “(d)(1) A medal of honor recipient is entitled to med-
 17 ical and dental care under this chapter to the same extent
 18 as a person referred to in subsection (b).

19 “(2) In this subsection, the term ‘medal of honor re-
 20 cipient’ means a person awarded a medal of honor under
 21 section 3741, 6241, or 8741 of this title, or section 491
 22 of title 14.”.

23 (b) DEPENDENTS.—Section 1076 of such title is
 24 amended by adding at the end the following:

1 “(f)(1) The immediate dependents of a medal of
 2 honor recipient are entitled to medical and dental care
 3 under this chapter to the same extent as a person referred
 4 to in subsection (b).

5 “(2) In this subsection:

6 “(A) The term ‘medal of honor recipient’ has
 7 the meaning given the term in section 1074(d)(2) of
 8 this title.

9 “(B) The term ‘immediate dependent’ means a
 10 dependent described in subparagraphs (A), (B), (C),
 11 and (D) of section 1072(2) of this title.”.

12 **SEC. 734. SCHOOL-REQUIRED PHYSICAL EXAMINATIONS**
 13 **FOR CERTAIN MINOR DEPENDENTS.**

14 Section 1076 of title 10, United States Code, as
 15 amended by section 733(b), is further amended by adding
 16 at the end the following:

17 “(g)(1) The administering Secretaries shall furnish
 18 an eligible dependent a physical examination that is re-
 19 quired by a school in connection with the enrollment of
 20 the dependent as a student in that school.

21 “(2) A dependent is eligible for a physical examina-
 22 tion under paragraph (1) if the dependent—

23 “(A) is entitled to receive medical care under
 24 subsection (a) or is authorized to receive medical
 25 care under subsection (b); and

1 “(B) is at least 5 years of age and less than 12
2 years of age.

3 “(3) Nothing in paragraph (2) may be construed to
4 prohibit the furnishing of a school-required physical exam-
5 ination to any dependent who, except for not satisfying
6 the age requirement under that paragraph, would other-
7 wise be eligible for a physical examination required to be
8 furnished under this subsection.”.

9 **SEC. 735. TWO-YEAR EXTENSION OF DENTAL AND MEDICAL**
10 **BENEFITS FOR SURVIVING DEPENDENTS OF**
11 **CERTAIN DECEASED MEMBERS.**

12 (a) DENTAL BENEFITS.—Section 1076a(k)(2) of title
13 10, United States Code, is amended by striking “one-year
14 period” and inserting “three-year period”.

15 (b) MEDICAL BENEFITS.—Section 1079(g) of title
16 10, United States Code, is amended by striking “one-year
17 period” in the second sentence and inserting “three-year
18 period”.

19 **SEC. 736. EXTENSION OF AUTHORITY FOR CONTRACTS FOR**
20 **MEDICAL SERVICES AT LOCATIONS OUTSIDE**
21 **MEDICAL TREATMENT FACILITIES.**

22 Section 1091(a)(2) of title 10, United States Code,
23 is amended by striking “December 31, 2000” and insert-
24 ing “September 30, 2002”.

1 **SEC. 737. TRANSITION OF CHIROPRACTIC HEALTH CARE**
2 **DEMONSTRATION PROGRAM TO PERMANENT**
3 **STATUS.**

4 (a) TRICARE PRIME BENEFITS.—The Secretary of
5 Defense shall complete the development and implementa-
6 tion of a program to provide chiropractic health care serv-
7 ices and benefits for all TRICARE Prime enrollees as a
8 permanent part of the military health care system for the
9 enrollees in that plan, as follows:

10 (1) At the military medical treatment facilities
11 designated pursuant to section 731(a)(2)(A) of the
12 National Defense Authorization Act for Fiscal Year
13 1995 (Public Law 103–337; 10 U.S.C. 1092 note),
14 not later than 180 days after the date of the enact-
15 ment of this Act.

16 (2) At the other military medical treatment fa-
17 cilities considered by the Secretary of Defense to be
18 major military medical treatment facilities, not later
19 than October 1, 2001.

20 (b) PRIMARY CARE MANAGEMENT.—The Secretary
21 shall ensure that the primary care manager model, which
22 requires referral by a primary care manager, is used for
23 providing the chiropractic health care services and benefits
24 under the program referred to in subsection (a).

1 (c) CONTINUATION OF EXISTING CHIROPRACTIC
2 BENEFITS.—Section 731(a)(4) of the National Defense
3 Authorization Act for Fiscal Year 1995 is amended—

4 (1) by striking “During fiscal year 2000, the”
5 and inserting “The”; and

6 (2) by adding at the end the following: “The re-
7 quirement under the preceding sentence shall cease
8 to apply with respect to a military medical treatment
9 facility on the date on which the Secretary of De-
10 fense completes the implementation of a program to
11 provide chiropractic health care services and benefits
12 at that facility for all TRICARE Prime enrollees as
13 a permanent part of the military health care system
14 for the enrollees in that plan.”.

15 **SEC. 738. USE OF INFORMATION TECHNOLOGY FOR EN-**
16 **HANCEMENT OF DELIVERY OF ADMINISTRA-**
17 **TIVE SERVICES UNDER THE DEFENSE**
18 **HEALTH PROGRAM.**

19 (a) REQUIREMENT.—The Secretary of Defense shall
20 take the actions that the Secretary determines necessary
21 to use, in at least one TRICARE program region, com-
22 mercially available information technology systems and
23 products to simplify the critical administrative processes
24 of the defense health program (including TRICARE), to
25 enhance the efficiency of the performance of administra-

1 tive services under the program, to match commercially
2 recognized standards of performance of the services, and
3 otherwise to improve the performance of the services.

4 (b) IMPLEMENTATION.—In carrying out subsection
5 (a), the Secretary shall ensure that—

6 (1) the use of Internet technology is incor-
7 porated into the processes referred to in that sub-
8 section; and

9 (2) conversions to new or different computer
10 technologies incorporate data requirements that are
11 widely used in the marketplace (including those used
12 by medicare or commercial insurers) for the per-
13 formance of administrative services.

14 (c) ADMINISTRATIVE SERVICES DEFINED.—In this
15 section, the term “administrative services” includes the
16 performance of the following functions:

17 (1) Marketing.

18 (2) Enrollment.

19 (3) Program education of beneficiaries.

20 (4) Program education of health care providers.

21 (5) Scheduling of appointments.

22 (6) Processing of claims.

1 **SEC. 739. PATIENT CARE REPORTING AND MANAGEMENT**
2 **SYSTEM.**

3 (a) ESTABLISHMENT.—The Secretary of Defense
4 shall establish a patient care error reporting and manage-
5 ment system.

6 (b) PURPOSES OF SYSTEM.—The purposes of the sys-
7 tem are as follows:

8 (1) To study the occurrences of errors in the
9 patient care provided under chapter 55 of title 10,
10 United States Code.

11 (2) To identify the systemic factors that are as-
12 sociated with such occurrences.

13 (3) To provide for action to be taken to correct
14 the identified systemic factors.

15 (c) REQUIREMENTS FOR SYSTEM.—The patient care
16 error reporting and management system shall include the
17 following:

18 (1) A hospital-level patient safety center, within
19 the quality assurance department of each health care
20 organization of the Department of Defense, to col-
21 lect, assess, and report on the nature and frequency
22 of errors related to patient care.

23 (2) For each health care organization of the
24 Department of Defense and for the entire Defense
25 health program, the patient safety baselines that are
26 necessary for the development of a full under-

1 standing of patient safety issues in each such orga-
2 nization and the entire program, including the na-
3 ture and types of errors and the systemic causes of
4 the errors.

5 (3) A Department of Defense Patient Safety
6 Center within the Armed Forces Institute of Pathol-
7 ogy to have the following missions:

8 (A) To analyze information on patient care
9 errors that is submitted to the Center by each
10 military health care organization.

11 (B) To develop action plans for addressing
12 patterns of patient care errors.

13 (C) To execute those action plans to miti-
14 gate and control errors in patient care with a
15 goal of ensuring that the health care organiza-
16 tions of the Department of Defense provide
17 highly reliable patient care with virtually no
18 error.

19 (D) To provide, through the Assistant Sec-
20 retary of Defense for Health Affairs, to the
21 Agency for Healthcare Research and Quality of
22 the Department of Health and Human Services
23 any reports that the Assistant Secretary deter-
24 mines appropriate.

1 (E) To review and integrate processes for
2 reducing errors associated with patient care and
3 for enhancing patient safety.

4 (F) To contract with a qualified and objec-
5 tive external organization to manage the na-
6 tional patient safety database of the Depart-
7 ment of Defense.

8 (d) MEDTEAMS PROGRAM.—The Secretary shall ex-
9 pand the health care team coordination program to inte-
10 grate that program into all Department of Defense health
11 care operations. In carrying out this subsection, the Sec-
12 retary shall take the following actions:

13 (1) Establish not less than two Centers of Ex-
14 cellence for the development, validation, prolifera-
15 tion, and sustainment of the health care team co-
16 ordination program, one of which shall support all
17 fixed military health care organizations, the other of
18 which shall support all combat casualty care organi-
19 zations.

20 (2) Deploy the program to all fixed and combat
21 casualty care organizations of each of the Armed
22 Forces, at the rate of not less than 10 organizations
23 in each fiscal year.

24 (3) Expand the scope of the health care team
25 coordination program from a focus on emergency de-

1 partment care to a coverage that includes care in all
2 major medical specialties, at the rate of not less
3 than one specialty in each fiscal year.

4 (4) Continue research and development invest-
5 ments to improve communication, coordination, and
6 team work in the provision of health care.

7 (e) CONSULTATION.—The Secretary shall consult
8 with the other administering Secretaries (as defined in
9 section 1072(3) of title 10, United States Code) in car-
10 rying out this section.

11 **SEC. 740. HEALTH CARE MANAGEMENT DEMONSTRATION**
12 **PROGRAM.**

13 (a) ESTABLISHMENT.—The Secretary of Defense
14 shall carry out a demonstration program on health care
15 management to explore opportunities for improving the
16 planning and management of the Department of Defense
17 health care system.

18 (b) TEST MODELS.—Under the demonstration pro-
19 gram, the Secretary shall test the use of the following
20 planning and management models:

21 (1) A health care simulation model for studying
22 alternative delivery policies, processes, organizations,
23 and technologies.

24 (2) A health care simulation model for studying
25 long term disease management.

1 (c) DEMONSTRATION SITES.—The Secretary shall
2 test each model separately at one or more sites.

3 (d) PERIOD FOR PROGRAM.—The demonstration pro-
4 gram shall begin not later than 180 days after the date
5 of the enactment of this Act and shall terminate on De-
6 cember 31, 2001.

7 (e) REPORTS.—The Secretary of Defense shall sub-
8 mit a report on the demonstration program to the Com-
9 mittees on Armed Services of the Senate and the House
10 of Representatives not later than March 15, 2002. The
11 report shall include the Secretary's assessment of the
12 value of incorporating the use of the tested planning and
13 management models throughout the Department of De-
14 fense health care system.

15 (f) FUNDING.—Of the amount authorized to be ap-
16 propriated under section 301(22), \$6,000,000 shall be
17 available for the demonstration program under this sec-
18 tion.

19 **SEC. 741. STUDIES OF ACCRUAL FINANCING FOR HEALTH**
20 **CARE FOR MILITARY RETIREES.**

21 (a) STUDIES REQUIRED.—The Secretary of Defense
22 shall carry out two studies to assess the feasibility and
23 desirability of financing the military health care program
24 for retirees of the uniformed services on an accrual basis.

1 (b) SOURCES OF STUDIES.—The Secretary shall pro-
2 vide for—

3 (1) one of the studies under subsection (a) to
4 be conducted by one or more Department of Defense
5 organizations designated by the Secretary; and

6 (2) the other study to be conducted by an orga-
7 nization that is independent of the Department of
8 Defense and has expertise in financial programs and
9 health care.

10 (c) REPORTS.—(1) The Secretary shall provide for
11 the submission of a final report on each study to the Sec-
12 retary within such time as the Secretary determines nec-
13 essary to satisfy the requirement in paragraph (2).

14 (2) The Secretary shall transmit the final reports on
15 the studies to Congress not later than February 8, 2001.
16 The Secretary may include in the transmittal any com-
17 ments on the reports or on the matters studied that the
18 Secretary considers appropriate.

19 **SEC. 742. AUGMENTATION OF ARMY MEDICAL DEPART-**
20 **MENT BY RESERVE OFFICERS OF THE PUB-**
21 **LIC HEALTH SERVICE.**

22 (a) AUTHORITY.—The Secretary of the Army and the
23 Secretary of Health and Human Services may jointly con-
24 duct a program to augment the Army Medical Department
25 by exercising any authorities provided to those officials in

1 law for the detailing of reserve commissioned officers of
2 the Public Health Service not in an active status to the
3 Army Medical Department for that purpose.

4 (b) AGREEMENT.—The Secretary of the Army and
5 the Secretary of Health and Human Services shall enter
6 into an agreement governing any program conducted
7 under subsection (a).

8 (c) ASSESSMENT.—(1) The Secretary of the Army
9 shall review the laws providing the authorities described
10 in subsection (a) and assess the adequacy of those laws
11 for authorizing—

12 (A) the Secretary of Health and Human Serv-
13 ices to detail reserve commissioned officers of the
14 Public Health Service not in an active status to the
15 Army Medical Department to augment that depart-
16 ment; and

17 (B) the Secretary of the Army to accept the de-
18 tail of such officers for that purpose.

19 (2) The Secretary shall complete the review and as-
20 sessment under paragraph (1) not later than 90 days after
21 the date of the enactment of this Act.

22 (d) REPORT TO CONGRESS.—Not later than March
23 1, 2001, the Secretary of the Army shall submit a report
24 on the results of the review and assessment under sub-
25 section (c) to the Committees on Armed Services of the

1 Senate and the House of Representatives. The report shall
2 include the following:

3 (1) The findings resulting from the review and
4 assessment.

5 (2) Any proposal for legislation that the Sec-
6 retary recommends to strengthen the authority of
7 the Secretary of Health and Human Services and
8 the authority of the Secretary of the Army to take
9 the actions described in subparagraphs (A) and (B),
10 respectively, of subsection (c)(1).

11 (e) CONSULTATION REQUIREMENT.—The Secretary
12 of the Army shall consult with the Secretary of Health
13 and Human Services in carrying out the review and as-
14 sessment under subsection (c) and in preparing the report
15 (including making recommendations) under subsection
16 (d).

17 **TITLE VIII—ACQUISITION POL-**
18 **ICY, ACQUISITION MANAGE-**
19 **MENT, AND RELATED MAT-**
20 **TERS**

21 **SEC. 801. IMPROVEMENTS IN PROCUREMENTS OF SERV-**
22 **ICES.**

23 (a) PREFERENCE FOR PERFORMANCE-BASED SERV-
24 ICE CONTRACTING.—The Secretary of Defense shall en-
25 sure that, not later than 180 days after the date of the

1 enactment of this Act, the Department of Defense Supple-
2 ment to the Federal Acquisition Regulation is revised to
3 establish a preference for use of contracts and task orders
4 for the purchase of services in the following order of prece-
5 dence:

6 (1) A performance-based contract or perform-
7 ance-based task order that contains firm fixed prices
8 for the specific tasks to be performed.

9 (2) Any other performance-based contract or
10 performance-based task order.

11 (3) Any contract or task order that is not a
12 performance-based contract or a performance-based
13 task order.

14 (b) INCENTIVE FOR USE OF PERFORMANCE-BASED
15 SERVICE CONTRACTS.—(1) A Department of Defense per-
16 formance-based contract or performance-based task order
17 may be treated as a contract for the procurement of com-
18 mercial items if—

19 (A) the contract or task order is valued at
20 \$5,000,000 or less;

21 (B) the contract or task order sets forth specifi-
22 cally each task to be performed and, for each task—

23 (i) defines the task in measurable, mission-
24 related terms;

1 (ii) identifies the specific end products or
2 output to be achieved; and

3 (iii) contains a firm fixed price; and

4 (C) the source of the services provides similar
5 services contemporaneously to the general public
6 under terms and conditions similar to those offered
7 to the Federal Government.

8 (2) The special simplified procedures provided in the
9 Federal Acquisition Regulation pursuant to section
10 2304(g)(1)(B) of title 10, United States Code, shall not
11 apply to a performance-based contract or performance-
12 based task order that is treated as a contract for the pro-
13 curement of commercial items under paragraph (1).

14 (3) Not later than 2 years after the date of the enact-
15 ment of this Act, the Comptroller General shall submit
16 a report on the implementation of this subsection to the
17 congressional defense committees.

18 (4) The authority under this subsection shall not
19 apply to contracts entered into or task orders issued more
20 than 3 years after the date of the enactment of this Act.

21 (c) CENTERS OF EXCELLENCE IN SERVICE CON-
22 TRACTING.—Not later than 180 days after the date of the
23 enactment of this Act, the Secretary of each military de-
24 partment shall establish at least one center of excellence
25 in contracting for services. Each center of excellence shall

1 assist the acquisition community by identifying, and serv-
2 ing as a clearinghouse for, best practices in contracting
3 for services in the public and private sectors.

4 (d) ENHANCED TRAINING IN SERVICE CON-
5 TRACTING.—(1) The Secretary of Defense shall ensure
6 that classes focusing specifically on contracting for serv-
7 ices are offered by the Defense Acquisition University and
8 the Defense Systems Management College and are other-
9 wise available to contracting personnel throughout the De-
10 partment of Defense.

11 (2) The Secretary of each military department and
12 the head of each Defense Agency shall ensure that the
13 personnel of the department or agency, as the case may
14 be, who are responsible for the awarding and management
15 of contracts for services receive appropriate training that
16 is focused specifically on contracting for services.

17 (e) DEFINITIONS.—In this section:

18 (1) The term “performance-based”, with re-
19 spect to a contract, a task order, or contracting,
20 means that the contract, task order, or contracting,
21 respectively, includes the use of performance work
22 statements that set forth contract requirements in
23 clear, specific, and objective terms with measurable
24 outcomes.

1 (2) The term “commercial item” has the mean-
2 ing given the term in section 4(12) of the Office of
3 Federal Procurement Policy Act (41 U.S.C.
4 403(12)).

5 (3) The term “Defense Agency” has the mean-
6 ing given the term in section 101(a)(11) of title 10,
7 United States Code.

8 **SEC. 802. ADDITION OF THRESHOLD VALUE REQUIREMENT**
9 **FOR APPLICABILITY OF A REPORTING RE-**
10 **QUIREMENT RELATING TO MULTIYEAR CON-**
11 **TRACT.**

12 Section 2036b(l)(4) of title 10, United States Code,
13 is amended by striking “until the Secretary of Defense
14 submits to the congressional defense committees a report
15 with respect to that contract (or contract extension)” in
16 the matter preceding subparagraph (A) and inserting “the
17 value of which would exceed \$500,000,000 (when entered
18 into or when extended, as the case may be) until the Sec-
19 retary of Defense has submitted to the congressional de-
20 fense committees a report”.

21 **SEC. 803. PLANNING FOR THE ACQUISITION OF INFORMA-**
22 **TION SYSTEMS.**

23 (a) RESPONSIBILITY OF CHIEF INFORMATION OFFI-
24 CERS.—Section 2223 of title 10, United States Code, is
25 amended—

1 (1) in subsection (a)—

2 (A) by striking “and” at the end of para-
3 graph (3);

4 (B) by striking the period at the end of
5 paragraph (4) and inserting “; and”; and

6 (C) by adding at the end the following:

7 “(5) maintain a consolidated inventory of De-
8 partment of Defense mission critical and mission es-
9 sential information systems, identify interfaces be-
10 tween these systems and other information systems,
11 and develop and maintain contingency plans for re-
12 sponding to a disruption in the operation of any of
13 these information systems.”; and

14 (2) in subsection (b)—

15 (A) by striking “and” at the end of para-
16 graph (3);

17 (B) by striking the period at the end of
18 paragraph (4) and inserting “; and”; and

19 (C) by adding at the end the following:

20 “(5) maintain an inventory of the mission crit-
21 ical and mission essential information systems of the
22 military department, identify interfaces between
23 these systems and other information systems, and
24 develop and maintain contingency plans for respond-

1 ing to a disruption in the operation of any of these
2 information systems.”.

3 (b) REVISED REGULATIONS REQUIRED.—Not later
4 than 60 days after the date of enactment of this Act, De-
5 partment of Defense Directive 5000.1 shall be revised to
6 establish minimum planning requirements for the acquisi-
7 tion of information technology systems.

8 (c) MISSION CRITICAL AND MISSION ESSENTIAL IN-
9 FORMATION TECHNOLOGY SYSTEMS.—The revised direc-
10 tive required by subsection (b) shall—

11 (1) include definitions of the terms “mission
12 critical information system” and “mission essential
13 information system”; and

14 (2) prohibit the award of any contract for the
15 acquisition of a mission critical or mission essential
16 information technology system until—

17 (A) the system has been registered with
18 the Chief Information Officer of the Depart-
19 ment of Defense;

20 (B) the Chief Information Officer has re-
21 ceived all information on the system that is re-
22 quired under the directive to be provided to
23 that official; and

1 (C) the Chief Information Officer has de-
2 termined that an appropriate information as-
3 surance strategy is in place for the system.

4 (d) MAJOR AUTOMATED INFORMATION SYSTEMS.—
5 The revised directive required by subsection (b) shall pro-
6 hibit Milestone I approval, Milestone II approval, or Mile-
7 stone III approval of a major automated information sys-
8 tem within the Department of Defense until the Chief In-
9 formation Officer has determined that—

10 (1) the system is being developed in accordance
11 with the requirements of division E of the Clinger-
12 Cohen Act of 1996 (40 U.S.C. 1401 et seq.);

13 (2) appropriate actions have been taken with
14 respect to the system in the areas of business proc-
15 ess reengineering, analysis of alternatives, economic
16 analysis, and performance measures; and

17 (3) the system has been registered as described
18 in subsection (c)(2).

19 (e) REPORTS.—(1) The Secretary of Defense shall
20 submit to the congressional defense committees, not later
21 than February 1 of each of fiscal years 2001, 2002, and
22 2003, a report on the implementation of the requirements
23 of this section during the preceding fiscal year.

24 (2) The report for a fiscal year under paragraph (1)
25 shall include, at a minimum, for each major automated

1 information system that was approved during such pre-
2 ceding fiscal year under Department of Defense Directive
3 5000.1 (as revised pursuant to subsection (d)), the fol-
4 lowing:

5 (A) The funding baseline.

6 (B) The milestone schedule.

7 (C) The actions that have been taken to ensure
8 compliance with the requirements of this section and
9 the directive.

10 (3) The report for fiscal year 2000 shall include, in
11 addition to the information required by paragraph (2), an
12 explanation of the manner in which the responsible offi-
13 cials within the Department of Defense have addressed,
14 or intend to address, the following acquisition issues for
15 each major automated information system to be acquired
16 after that fiscal year:

17 (A) Requirements definition.

18 (B) Presentation of a business case analysis, in-
19 cluding an analysis of alternatives and a calculation
20 of return on investment.

21 (C) Performance measurement.

22 (D) Test and evaluation.

23 (E) Interoperability.

24 (F) Cost, schedule, and performance baselines.

25 (G) Information assurance.

1 (H) Incremental fielding and implementation.

2 (I) Risk mitigation.

3 (J) The role of integrated product teams.

4 (K) Issues arising from implementation of the
5 Command, Control, Communications, Computers,
6 Intelligence, Surveillance, and Reconnaissance Plan
7 required by Department of Defense Directive 5000.1
8 and Chairman of the Joint Chiefs of Staff Instruc-
9 tion 3170.01.

10 (L) Oversight, including the Chief Information
11 Officer's oversight of decision reviews.

12 (f) DEFINITIONS.—In this section:

13 (1) The term “Chief Information Officer”
14 means the senior official of the Department of De-
15 fense designated by the Secretary of Defense pursu-
16 ant to section 3506 of title 44, United States Code.

17 (2) The term “information technology system”
18 has the meaning given the term “information tech-
19 nology” in section 5002 of the Clinger-Cohen Act of
20 1996 (40 U.S.C. 1401).

21 (3) The term “major automated information
22 system” has the meaning given that term in Depart-
23 ment of Defense Directive 5000.1.

1 **SEC. 804. TRACKING OF INFORMATION TECHNOLOGY PUR-**
2 **CHASES.**

3 (a) REQUIREMENT FOR TRACKING SYSTEM.—(1)
4 Chapter 131 of title 10, United States Code, is amended
5 by adding at the end the following:

6 **“§2225. Information technology purchases: auto-**
7 **mated tracking and management systems**

8 “(a) REQUIREMENT FOR SYSTEMS.—(1) The Sec-
9 retary of each military department shall administer an
10 automated system for tracking and managing purchases
11 of information technology products and services by the de-
12 partment.

13 “(2) The Secretary of Defense shall administer an
14 automated system for tracking and managing purchases
15 of information technology products and services by the De-
16 fense Agencies.

17 “(b) PURCHASE TO WHICH APPLICABLE.—Each sys-
18 tem under subsection (a) shall, at a minimum, provide for
19 collection of data on all purchases of information tech-
20 nology products and services in excess of the simplified
21 acquisition threshold, regardless of whether such pur-
22 chases are made in the form of a contract, grant, coopera-
23 tive agreement, other transaction, task order, delivery
24 order, or military interdepartmental purchase request, or
25 in any other form.

1 “(c) DATA TO BE INCLUDED.—The information col-
2 lected under each such system shall include, for each pur-
3 chase, the following:

4 “(1) The products or services purchased.

5 “(2) The categorization of the products or serv-
6 ices as commercial off-the-shelf products, other com-
7 mercial items, nondevelopmental items other than
8 commercial items, other noncommercial items, or
9 services.

10 “(3) The total dollar amount of the purchase.

11 “(4) The contract form used to make the pur-
12 chase.

13 “(5) In the case of a purchase made through
14 another agency—

15 “(A) the agency through which the pur-
16 chase is made; and

17 “(B) the reasons for making the purchase
18 through that agency.

19 “(6) The type of pricing used to make the pur-
20 chase (whether by fixed price or by another specified
21 type of pricing).

22 “(7) The extent of competition provided for in
23 making the purchase.

24 “(8) A statement regarding whether the pur-
25 chase was made from—

1 “(A) a small business concern;

2 “(B) a small business concern owned and
3 controlled by socially and economically dis-
4 advantaged individuals; or

5 “(C) a small business concern owned and
6 controlled by women.

7 “(9) A statement regarding whether the pur-
8 chase was made in compliance with the planning re-
9 quirements provided under sections 5112, 5113,
10 5122, and 5123 of the Clinger-Cohen Act of 1996
11 (40 U.S.C. 1412, 1413, 1242, 1423).

12 “(10) In the case of frequently-purchased com-
13 mercial off-the-shelf items, data that informs man-
14 agers of the unit prices paid for the items and en-
15 ables the managers to ensure that such prices are
16 fair and reasonable.

17 “(d) LIMITATION ON PURCHASES.—No purchase of
18 information technology products or services in excess of
19 the simplified acquisition threshold shall be made for the
20 Department of Defense through a Federal Government
21 agency that is outside the Department of Defense
22 unless—

23 “(1) data on the purchase is included in a
24 tracking system that meets the requirements of sub-
25 sections (a), (b), and (c); or

1 “(2) the purchase—

2 “(A) in the case of a purchase by a De-
3 fense Agency, is approved by the Under Sec-
4 retary of Defense for Acquisition, Technology,
5 and Logistics; or

6 “(B) in the case of a purchase by a mili-
7 tary department, is approved by the senior pro-
8 curement executive of the military department.

9 “(e) ANNUAL REPORT.—Not later than February 15
10 of each fiscal year, the Secretary of Defense shall submit
11 to the Committees on Armed Services of the Senate and
12 the House of Representatives a report on the purchases
13 of information technology products and services that were
14 made by the military departments and Defense Agencies
15 during the preceding fiscal year. The report shall set forth
16 an aggregation of the information collected in accordance
17 with subsection (c).

18 “(f) DEFINITIONS.—In this section:

19 “(1) The term ‘senior procurement executive’,
20 with respect to a military department, means the of-
21 ficial designated as the senior procurement executive
22 for the military department for the purposes of sec-
23 tion 16(3) of the Office of Federal Procurement Pol-
24 icy Act (41 U.S.C. 414(3)).

1 “(2) The term ‘simplified acquisition threshold’
 2 has the meaning given the term in section 4(11) of
 3 the Office of Federal Procurement Policy Act (31
 4 U.S.C. 403(11)).

5 “(3) The term ‘small business concern’ means
 6 a business concern that meets the applicable size
 7 standards prescribed pursuant to section 3(a) of the
 8 Small Business Act (15 U.S.C. 632(a)).

9 “(4) The term ‘small business concern owned
 10 and controlled by socially and economically disadvan-
 11 taged individuals’ has the meaning given that term
 12 in section 8(d)(3)(C) of the Small Business Act (15
 13 U.S.C. 637(d)(3)(C)).

14 “(5) The term ‘small business concern owned
 15 and controlled by women’ has the meaning given
 16 that term in section 8(d)(3)(D) of the Small Busi-
 17 ness Act (15 U.S.C. 637(d)(3)(D)).”.

18 (2) The table of sections at the beginning of such
 19 chapter is amended by adding at the end the following:

“2225. Information technology purchases: automated tracking and management
 systems.”.

20 (b) TIME FOR IMPLEMENTATION.—(1) Each official
 21 required under section 2225 of title 10, United States
 22 Code (as added by subsection (a)), to administer an auto-
 23 mated system for tracking and managing purchases of in-
 24 formation technology products and services shall develop

1 and commence the use of the system not later than one
2 year after the date of the enactment of this Act.

3 (2) Subsection (d) of section 2225 of title 10, United
4 States Code (as so added), shall apply to purchases de-
5 scribed in that subsection for which solicitations of offers
6 are issued more than one year after the date of the enact-
7 ment of this Act.

8 (c) GAO REPORT.—Not later than 15 months after
9 the date of the enactment of this Act, the Comptroller
10 General shall submit to the congressional defense commit-
11 tees a report on the systems developed pursuant to section
12 2225 of title 10, United States Code (as added by sub-
13 section (a)). The report shall include the Comptroller Gen-
14 eral’s assessment of the extent to which the systems meet
15 the requirements of that section.

16 **SEC. 805. REPEAL OF REQUIREMENT FOR CONTRACTOR AS-**
17 **SURANCES REGARDING THE COMPLETENESS,**
18 **ACCURACY, AND CONTRACTUAL SUFFI-**
19 **CIENCY OF TECHNICAL DATA PROVIDED BY**
20 **THE CONTRACTOR.**

21 Section 2320(b) of title 10, United States Code, is
22 amended—

23 (1) by striking paragraph (7); and

24 (2) by redesignating paragraphs (8) and (9) as
25 paragraphs (7) and (8), respectively.

1 **SEC. 806. EXTENSION OF AUTHORITY FOR DEPARTMENT OF**
2 **DEFENSE ACQUISITION PILOT PROGRAMS.**

3 Section 5064(d)(2) of the Federal Acquisition
4 Streamlining Act of 1994 (Public Law 103–355; 108 Stat.
5 3361; 10 U.S.C. 2430 note) is amended by striking “45
6 days after the date of the enactment of this Act and ends
7 on September 30, 1998” and inserting “on October 13,
8 1994, and ends on October 1, 2007”.

9 **SEC. 807. CLARIFICATION AND EXTENSION OF AUTHORITY**
10 **TO CARRY OUT CERTAIN PROTOTYPE**
11 **PROJECTS.**

12 (a) AMENDMENTS TO AUTHORITY.—Section 845 of
13 the National Defense Authorization Act for Fiscal Year
14 1994 (10 U.S.C. 2371 note) is amended by—

15 (1) redesignating subsection (d) as subsection
16 (g); and

17 (2) inserting after subsection (c) the following:

18 “(d) APPROPRIATE USE OF AUTHORITY.—(1) The
19 Secretary of Defense shall ensure that no official of an
20 agency enters into an agreement for a prototype project
21 under the authority of this section unless—

22 “(A) at least 20 percent of the total cost of the
23 prototype project is to be paid out of funds provided
24 by parties to the agreement other than the Federal
25 Government (not including funds provided by such
26 parties in the form of independent research and de-

1 velopment costs and other costs that are reimbursed
2 as indirect costs under Federal Government con-
3 tracts);

4 “(B) at least 40 percent of the total cost of the
5 prototype project is to be paid out of funds provided
6 by parties to the agreement other than the Federal
7 Government (including funds provided by such par-
8 ties in the form of independent research and devel-
9 opment costs and other costs that are reimbursed as
10 indirect costs under Federal Government contracts);

11 “(C) there is at least one nontraditional defense
12 contractor participating to a significant extent in the
13 prototype project; or

14 “(D) the senior procurement executive for the
15 agency (as designated for the purposes of section
16 16(3) of the Office of Federal Procurement Policy
17 Act (41 U.S.C. 414(3))) determines in writing that
18 extraordinary circumstances justify the use of the
19 authority of section 2371 of title 10, United States
20 Code, in accordance with the requirements of this
21 section, to enter into the particular agreement.

22 “(2)(A) Except as provided in subparagraph (B), the
23 amounts counted for the purposes of this subsection as
24 being provided or to be provided by a party other than
25 the Federal Government under an agreement for a proto-

1 type project that is entered into under this section do not
2 include costs that were incurred before the date on which
3 the agreement becomes effective.

4 “(B) Costs that were incurred for a prototype project
5 by a party after the beginning of negotiations resulting
6 in an agreement for the project under this section may
7 be counted for the purposes of this subsection as being
8 provided or to be provided by the party under the agree-
9 ment if and to the extent that the contracting officer or
10 another official responsible for entering into the agree-
11 ment determines in writing that—

12 “(i) the party incurred the costs in anticipation
13 of entering into the agreement; and

14 “(ii) it was appropriate for the party to incur
15 the costs before the agreement became effective in
16 order to ensure the successful implementation of the
17 agreement.

18 “(e) PILOT PROGRAM FOR TRANSITION TO FOLLOW-
19 ON CONTRACTS.—(1) The Secretary of Defense is author-
20 ized to carry out a pilot program for follow-on contracting
21 for the production of items or processes that are developed
22 by nontraditional defense contractors under prototype
23 projects carried out under this section.

24 “(2) Under the pilot program—

1 “(A) a qualifying contract for the procurement
2 of such an item or process, or a qualifying sub-
3 contract under a contract for the procurement of
4 such an item or process, may be treated as a con-
5 tract or subcontract, respectively, for the procure-
6 ment of commercial items, as defined in section
7 4(12) of the Office of Federal Procurement Policy
8 Act (41 U.S.C. 403(12)); and

9 “(B) the item or process may be treated as an
10 item or process, respectively, that is developed in
11 part with Federal funds and in part at private ex-
12 pense for the purposes of section 2320 of title 10,
13 United States Code.

14 “(3) For the purposes of the pilot program, a quali-
15 fying contract or subcontract is a contract or subcontract,
16 respectively, with a nontraditional defense contractor
17 that—

18 “(A) does not exceed \$20,000,000; and

19 “(B) is either—

20 “(i) a firm, fixed-price contract or sub-
21 contract; or

22 “(ii) a fixed-price contract or subcontract
23 with economic price adjustment.

24 “(4) The authority to conduct a pilot program under
25 this subsection shall terminate on September 30, 2004.

1 The termination of the authority shall not affect the valid-
 2 ity of contracts or subcontracts that are awarded or modi-
 3 fied during the period of the pilot program, without regard
 4 to whether the contracts or subcontracts are performed
 5 during the period.

6 “(f) NONTRADITIONAL DEFENSE CONTRACTOR DE-
 7 FINED.—In this section, the term ‘nontraditional defense
 8 contractor’ means an entity that has not, for a period of
 9 at least three years, entered into—

10 “(1) any contract that is subject to the cost ac-
 11 counting standards prescribed pursuant to section
 12 26 of the Office of Federal Procurement Policy Act
 13 (41 U.S.C. 422); or

14 “(2) any other contract or agreement to carry
 15 out prototype projects or to perform basic, applied,
 16 or advanced research projects for a Federal Govern-
 17 ment agency, other than an agreement entered into
 18 under the authority of this section or section 2371
 19 of title 10, United States Code.”.

20 (b) EXTENSION OF AUTHORITY.—Subsection (g) of
 21 such section, as redesignated by subsection (a)(1), is
 22 amended by striking “September 30, 2001” and inserting
 23 “September 30, 2004”.

24 (c) MORATORIUM.—Beginning on the date that is
 25 120 days after the date of the enactment of this Act, no

1 transaction may be entered into under the authority of
 2 section 845 of the National Defense Authorization Act for
 3 Fiscal Year 1994 or section 2371 of title 10, United
 4 States Code, until the final regulations implementing such
 5 section 2371 (required by subsection (g) of such section)
 6 are published in the Federal Register.

7 **SEC. 808. CLARIFICATION OF AUTHORITY OF COMP-**
 8 **TROLLER GENERAL TO REVIEW RECORDS OF**
 9 **PARTICIPANTS IN CERTAIN PROTOTYPE**
 10 **PROJECTS.**

11 (a) COMPTROLLER GENERAL REVIEW.—Section
 12 845(c) of the National Defense Authorization Act for Fis-
 13 cal Year 1994 (10 U.S.C. 2371 note) is amended—

14 (1) by redesignating paragraphs (3) and (4) as
 15 paragraphs (4) and (5), respectively; and

16 (2) by inserting after paragraph (2) the fol-
 17 lowing new paragraph (3):

18 “(3)(A) The right provided to the Comptroller Gen-
 19 eral in a clause of an agreement under paragraph (1) is
 20 limited as provided in subparagraph (B) in the case of
 21 a party to the agreement, an entity that participates in
 22 the performance of the agreement, or a subordinate ele-
 23 ment of that party or entity if the only agreements or
 24 other transactions that the party, entity, or subordinate
 25 element entered into with Government entities in the year

1 prior to the date of that agreement are cooperative agree-
 2 ments or transactions that were entered into under this
 3 section or section 2371 of title 10, United States Code.

4 “(B) The only records of a party, other entity, or sub-
 5 ordinate element referred to in subparagraph (A) that the
 6 Comptroller General may examine in the exercise of the
 7 right referred to in that subparagraph are records of the
 8 same type as the records that the Government has had
 9 the right to examine under the audit access clauses of the
 10 previous agreements or transactions referred to in such
 11 subparagraph that were entered into by that particular
 12 party, entity, or subordinate element.”.

13 **SEC. 809. ELIGIBILITY OF SMALL BUSINESS CONCERNS**
 14 **OWNED AND CONTROLLED BY WOMEN FOR**
 15 **ASSISTANCE UNDER THE MENTOR-PROTEGE**
 16 **PROGRAM.**

17 Section 831(m)(2) of the National Defense Author-
 18 ization Act for Fiscal Year 1991 (Public Law 101–510;
 19 10 U.S.C. 2302 note) is amended—

20 (1) by striking “or” at the end of subparagraph
 21 (C);

22 (2) by striking the period at the end of sub-
 23 paragraph (D) and inserting “; or”; and

24 (3) by adding at the end the following:

1 “(E) a small business concern owned and
2 controlled by women, as defined in section
3 8(d)(3)(D) of the Small Business Act (15
4 U.S.C. 637(d)(3)(D)).”.

5 **SEC. 810. NAVY-MARINE CORPS INTRANET ACQUISITION.**

6 (a) LIMITATION.—The performance of a contract for
7 the acquisition of a Navy-Marine Corps Intranet may not
8 begin until the Secretary of the Navy submits a report
9 on that contract to Congress. A report under this section
10 shall contain the following information:

11 (1) An estimate of the amount to be expended
12 on the contract by each of the Navy and Marine
13 Corps for each fiscal year.

14 (2) The accounts from which the performance
15 of the contract will be funded through the end of fis-
16 cal year 2001.

17 (3) A plan for an incrementally phased imple-
18 mentation of the Navy-Marine Corps Intranet into
19 the operations of the shore-based activities of the
20 Navy and Marine Corps.

21 (4) The same information with regard to the
22 Navy-Marine Corps Intranet as is required to be in-
23 cluded in the report on major automated information
24 systems under paragraphs (2) and (3) of section
25 803(e).

1 (5) With regard to each major command in-
2 cluded in the first year of the implementation of the
3 contract—

4 (A) an estimate of the number of civilian
5 personnel currently performing functions that
6 are potentially included in the scope of the con-
7 tract;

8 (B) the extent to which the contractor may
9 continue to rely upon that workforce to perform
10 functions after the award of the contract; and

11 (C) the plans of the Department of the
12 Navy for reassignment, reorganization, or other
13 disposition of any portion of the workforce that
14 does not continue to perform current functions.

15 (b) PROHIBITIONS.—(1) The increment of the Navy-
16 Marine Corps Intranet that is implemented during the
17 first year of implementation may not include any activities
18 of the Marine Corps, the naval shipyards, or the naval
19 aviation depots.

20 (2) Funds available for fiscal year 2001 for activities
21 referred to in paragraph (1) may not be expended for any
22 contract for the Navy-Marine Corps Intranet.

23 (c) APPLICABILITY OF STATUTORY AND REGU-
24 LATORY REQUIREMENTS.—The acquisition of a Navy-Ma-

1 rine Corps Intranet shall be managed by the Department
2 of the Navy in accordance with the requirements of—

3 (1) the Clinger-Cohen Act of 1996, including
4 the requirement for utilizing modular contracting in
5 accordance with section 38 of the Office of Federal
6 Procurement Policy Act (41 U.S.C. 434); and

7 (2) Department of Defense Directives 5000.1
8 and 5000.2–R and all other directives, regulations,
9 and management controls that are applicable to
10 major investments in information technology and re-
11 lated services.

12 (d) COMPTROLLER GENERAL REVIEW.—(1) At the
13 same time that the Secretary of the Navy submits a report
14 on the Navy-Marine Corps Intranet to Congress under
15 subsection (a), the Secretary shall transmit a copy of the
16 report to the Comptroller General.

17 (2) Not later than 60 days after receiving a report
18 on the Navy-Marine Corps Intranet under paragraph (1),
19 the Comptroller General shall review the report and sub-
20 mit to Congress any comments that the Comptroller Gen-
21 eral considers appropriate regarding the report and the
22 Navy-Marine Corps Intranet.

1 **SEC. 811. QUALIFICATIONS REQUIRED FOR EMPLOYMENT**
 2 **AND ASSIGNMENT IN CONTRACTING POSI-**
 3 **TIONS.**

4 (a) APPLICABILITY OF REQUIREMENTS TO MEMBERS
 5 OF THE ARMED FORCES.—Section 1724 of title 10,
 6 United States Code, is amended—

7 (1) in subsection (a), by striking “a person
 8 must” in the matter preceding paragraph (1) and
 9 inserting “an employee or member of the armed
 10 forces must”; and

11 (2) in subsection (d)—

12 (A) by striking “employee of” and insert-
 13 ing “person in”; and

14 (B) by striking “employee possesses” and
 15 inserting “person possesses”.

16 (b) MANDATORY ACADEMIC QUALIFICATIONS.—(1)
 17 Subsection (a)(3) of such section is amended—

18 (A) by inserting “and” before “(B)”; and

19 (B) by striking “, or (C)” and all that follows
 20 through “listed in subparagraph (B)”.

21 (2) Subsection (b) of such section is amended to read
 22 as follows:

23 “(b) GS–1102 SERIES POSITIONS AND SIMILAR
 24 MILITARY POSITIONS.—The Secretary of Defense shall re-
 25 quire that a person meet the requirements set forth in
 26 paragraph (3) of subsection (a), but not the other require-

1 ments set forth in that subsection, in order to qualify to
 2 serve in a position in the Department of Defense in—

3 “(1) the GS–1102 occupational series; or

4 “(2) a similar occupational specialty when the
 5 position is to be filled by a member of the armed
 6 forces.”.

7 (c) EXCEPTION.—Subsection (c) of such section is
 8 amended to read as follows:

9 “(c) EXCEPTION.—The requirements imposed under
 10 subsection (a) or (b) shall not apply to a person for the
 11 purpose of qualifying to serve in a position in which the
 12 person is serving on September 30, 2000.”.

13 (d) DELETION OF UNNECESSARY CROSS REF-
 14 ERENCES.—Subsection (a) of such section is amended by
 15 striking “(except as provided in subsections (c) and (d))”
 16 in the matter preceding paragraph (1).

17 (e) EFFECTIVE DATE.—This section, and the amend-
 18 ments made by this section, shall take effect on October
 19 1, 2000, and shall apply to appointments and assignments
 20 made on or after that date.

21 **SEC. 812. DEFENSE ACQUISITION AND SUPPORT WORK-**
 22 **FORCE.**

23 (a) REQUIREMENT FOR REPORT.—Not later than
 24 March 15, 2001, the Secretary of Defense shall submit
 25 to Congress a report on the sufficiency of the acquisition

1 and support workforce of the Department of Defense. The
2 report shall include a plan to ensure that the defense ac-
3 quisition and support workforce is of sufficient size and
4 has the expertise necessary to ensure the cost-effective
5 management of the defense acquisition system to obtain
6 needed products and services at the best value.

7 (b) CONTENT OF REPORT.—(1) The Secretary’s re-
8 port on the defense acquisition and support workforce
9 under subsection (a) shall include, at a minimum, the fol-
10 lowing:

11 (A) A comprehensive reassessment of any pro-
12 grammed reductions in the workforce and the impact
13 that such reductions are likely to have on the ability
14 of the workforce to meet the anticipated workload
15 and responsibilities of the acquisition workforce.

16 (B) An assessment of the changing demo-
17 graphics of the workforce, including the impact of
18 anticipated retirements among the most experienced
19 acquisition personnel over the next five years, and
20 management steps that may be needed to address
21 these changes.

22 (C) A plan to address problems arising from
23 previous reductions in the workforce, including—

24 (i) increased backlogs in closing out com-
25 pleted contracts;

1 (ii) increased program costs resulting from
2 contracting for technical support rather than
3 using Federal employees to provide the tech-
4 nical support;

5 (iii) insufficient staff to negotiate fair and
6 reasonable pricing, to review and respond to
7 contractor actions, to perform oversight and in-
8 spections, and otherwise to manage contract re-
9 quirements;

10 (iv) failures to comply with competition re-
11 quirements, to perform independent cost esti-
12 mates, to complete technical reviews, to meet
13 contractor surveillance requirements, and to
14 perform necessary cost control functions; and

15 (v) lost opportunities to negotiate strategic
16 supplier alliances, to improve parts control and
17 management, to conduct modeling and simula-
18 tion projects, and to develop other cost savings
19 initiatives.

20 (D) The actions that are being taken or could
21 be taken within the Department of Defense to en-
22 hance the tenure and reduce the turnover of pro-
23 gram executive officers, program managers, and con-
24 tracting officers.

1 (E) An evaluation of the acquisition workforce
2 demonstration project conducted under section 4308
3 of the National Defense Authorization Act for Fiscal
4 Year 1996 (Public Law 104–106; 10 U.S.C. 1701
5 note) together with any recommendations for im-
6 proving personnel management laws, policies, or pro-
7 cedures with respect to the defense acquisition and
8 support workforce.

9 (2) The plan contained in the report shall include
10 specific milestones for workforce size, composition, and
11 qualifications (including plans for needed recruiting, re-
12 tention, and training) to address any problems identified
13 in the report and to ensure the achievement of the objec-
14 tives of the plan that are set forth in subsection (a).

15 (c) EXTENSION OF DEMONSTRATION PROJECT.—
16 Section 4308(b)(3)(B) of the National Defense Authoriza-
17 tion Act for Fiscal Year 1996 (10 U.S.C. 1701 note) is
18 amended by striking “3-year period beginning on the date
19 of the enactment of the National Defense Authorization
20 Act for Fiscal Year 1998” and inserting “period beginning
21 on November 18, 1997, and ending on November 17,
22 2003”.

23 (d) MORATORIUM ON REDUCTION OF DEFENSE AC-
24 QUISITION WORKFORCE.—(1) Notwithstanding any other
25 provision of law, the defense acquisition and support work-

1 force may not be reduced, during fiscal years 2001, 2002,
2 and 2003, below the level of that workforce as of Sep-
3 tember 30, 2000, determined on the basis of full-time
4 equivalent positions.

5 (2) The Secretary of Defense may waive the prohibi-
6 tion in paragraph (1) and reduce the level of the defense
7 acquisition and support workforce upon submitting to
8 Congress the Secretary's certification that the defense ac-
9 quisition and support workforce, at the level to which re-
10 duced, will be able efficiently and effectively to perform
11 the workloads that are required of that workforce con-
12 sistent with the cost-effective management of the defense
13 acquisition system to obtain best value equipment and
14 with ensuring military readiness.

15 (e) DEFENSE ACQUISITION AND SUPPORT WORK-
16 FORCE DEFINED.—In this section, the term “defense ac-
17 quisition and support workforce” means Armed Forces
18 and civilian personnel who are assigned to, or are em-
19 ployed in, an organization of the Department of Defense
20 that is—

21 (1) an acquisition organization specified in De-
22 partment of Defense Instruction 5000.58, dated
23 January 14, 1992; or

1 (2) an organization not so specified that has ac-
2 quisition as its predominant mission, as determined
3 by the Secretary of Defense.

4 **SEC. 813. FINANCIAL ANALYSIS OF USE OF DUAL RATES**
5 **FOR QUANTIFYING OVERHEAD COSTS AT**
6 **ARMY INDUSTRIAL FACILITIES.**

7 (a) REQUIREMENT FOR ANALYSIS.—The Secretary of
8 the Army shall carry out a financial analysis of the costs
9 that would be incurred and the benefits that would be de-
10 rived from the implementation of a policy to use—

11 (1) one set of rates for quantifying the over-
12 head costs associated with government-owned indus-
13 trial facilities of the Department of the Army when
14 allocating those costs to contractors operating the
15 facilities; and

16 (2) another set of rates for quantifying the
17 overhead costs to be allocated to the operation of
18 such facilities by employees of the United States.

19 (b) REPORT.—Not later than February 15, 2001, the
20 Secretary shall submit to the congressional defense com-
21 mittees a report on the results of the analysis carried out
22 under subsection (a). The report shall include the fol-
23 lowing:

24 (1) The costs and benefits identified in the
25 analysis under subsection (a).

1 (2) The risks to the United States of imple-
2 menting a dual rates policy described in subsection
3 (a).

4 (3) The effects that a use of dual rates under
5 such a policy would have on the defense industrial
6 base of the United States.

7 **TITLE IX—DEPARTMENT OF DE-**
8 **FENSE ORGANIZATION AND**
9 **MANAGEMENT**

10 **SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT**
11 **OF DEFENSE HEADQUARTERS ACTIVITIES**
12 **PERSONNEL.**

13 (a) REPEAL OF LIMITATION.—(1) Section 130a of
14 title 10, United States Code, is repealed.

15 (2) The table of sections at the beginning of chapter
16 3 of such title is amended by striking the item relating
17 to section 130a.

18 (b) REPEAL OF ASSOCIATED REPORTING REQUIRE-
19 MENT.—Section 921(b) of the National Defense Author-
20 ization Act for Fiscal Year 2000 (Public Law 106–65; 113
21 Stat. 723) is repealed.

1 **SEC. 902. OVERALL SUPERVISION OF DEPARTMENT OF DE-**
2 **FENSE ACTIVITIES FOR COMBATING TER-**
3 **RORISM.**

4 Section 138(b)(4) of title 10, United States Code, is
5 amended to read as follows:

6 “(4)(A) One of the Assistant Secretaries shall be the
7 Assistant Secretary of Defense for Special Operations and
8 Low Intensity Conflict.

9 “(B) The Assistant Secretary shall have the following
10 duties:

11 “(i) As the principal duty, to provide overall su-
12 pervision (including oversight of policy and re-
13 sources) of special operations activities (as defined
14 in section 167(j) of this title) and low intensity con-
15 flict activities of the Department of Defense.

16 “(ii) To provide overall direction and super-
17 vision for policy, program planning and execution,
18 and allocation and use of resources for the activities
19 of the Department of Defense for combating ter-
20 rorism, including antiterrorism activities,
21 counterterrorism activities, terrorism consequences
22 management activities, and terrorism-related intel-
23 ligence support activities.

24 “(C) The Assistant Secretary is the principal civilian
25 adviser to the Secretary of Defense on, and is the principal
26 official within the senior management of the Department

1 of Defense (after the Secretary and Deputy Secretary) re-
2 sponsible for, the following matters:

3 “(i) Special operations and low intensity con-
4 flict.

5 “(ii) Combating terrorism.”.

6 **SEC. 903. NATIONAL DEFENSE PANEL 2001.**

7 (a) ESTABLISHMENT.—Not later than March 1,
8 2001, the Secretary of Defense shall establish a non-
9 partisan, independent panel to be known as the National
10 Defense Panel 2001. The Panel shall have the duties set
11 forth in this section.

12 (b) MEMBERSHIP AND CHAIRMAN.—(1) The Panel
13 shall be composed of nine members appointed from among
14 persons in the private sector who are recognized experts
15 in matters relating to the national security of the United
16 States, as follows:

17 (A) Three members appointed by the Secretary
18 of Defense.

19 (B) Three members appointed by the Chairman
20 of the Committee on Armed Services of the Senate,
21 in consultation with the ranking member of the com-
22 mittee.

23 (C) Three members appointed by the Chairman
24 of the Committee on Armed Services of the House

1 of Representatives, in consultation with the ranking
2 member of the committee.

3 (2) The Secretary of Defense, in consultation with
4 the chairmen and ranking members of the Committees on
5 Armed Services of the Senate and the House of Represent-
6 atives, shall designate one of the members to serve as the
7 chairman of the Panel.

8 (c) DUTIES.—(1) The Panel shall—

9 (A) assess the matters referred to in paragraph
10 (2);

11 (B) assess the current and projected strategic
12 environment, together with the progress made by the
13 Armed Forces in transforming to meet that environ-
14 ment;

15 (C) identify the most dangerous threats to the
16 national security interests of the United States that
17 are to be countered by the United States in the en-
18 suing 10 years and those that are to be encountered
19 in the ensuing 20 years;

20 (D) identify the strategic and operational chal-
21 lenges for the Armed Forces to address in order to
22 prepare to counter the threats identified under sub-
23 paragraph (C);

24 (E) develop—

1 (i) a recommendation on the priority that
2 should be accorded to each of the strategic and
3 operational challenges identified under subpara-
4 graph (D); and

5 (ii) a recommendation on the priority that
6 should be accorded to the development of each
7 joint capability needed to meet each such chal-
8 lenge; and

9 (F) identify the issues that the Panel rec-
10 ommends for assessment during the next quadren-
11 nial review to be conducted under section 118 of
12 title 10, United States Code.

13 (2) The matters to be assessed under paragraph
14 (1)(A) are the defense strategy, force structure, force
15 modernization plans, infrastructure, budget plan, and
16 other elements of the defense program and policies estab-
17 lished since the quadrennial defense review conducted in
18 1996.

19 (3) The Panel shall conduct the assessments under
20 paragraph (1) with a view toward recommending—

21 (A) the most critical changes that should be
22 made to the defense strategy of the United States
23 for the ensuing 10 years and the most critical
24 changes that should be made to the defense strategy
25 of the United States for the ensuing 20 years; and

1 (B) any changes considered appropriate by the
2 Panel regarding the major weapon systems pro-
3 grammed for the force, including any alternatives to
4 those weapon systems.

5 (d) REPORT.—(1) The Panel shall submit to the Sec-
6 retary of Defense and to the Committees on Armed Serv-
7 ices of the Senate and the House of Representatives two
8 reports on the assessment, including a discussion of the
9 Panel’s activities, the findings and recommendations of
10 the Panel, and any recommendations for legislation that
11 the Panel considers appropriate, as follows:

12 (A) An interim report not later than July 1,
13 2001.

14 (B) A final report not later than December 1,
15 2001.

16 (2) Not later than December 15, 2001, the Secretary
17 shall transmit to the committees referred to in paragraph
18 (1) the Secretary’s comments on the final report sub-
19 mitted to the committees under subparagraph (B) of that
20 paragraph.

21 (e) INFORMATION FROM FEDERAL AGENCIES.—The
22 Panel may secure directly from the Department of De-
23 fense and any of its components and from any other de-
24 partment and agency of the United States such informa-
25 tion as the Panel considers necessary to carry out its du-

1 ties under this section. The head of the department or
2 agency concerned shall ensure that information requested
3 by the Panel under this subsection is promptly provided.

4 (f) PERSONNEL MATTERS.—(1) Each member of the
5 Panel shall be compensated at a rate equal to the daily
6 equivalent of the annual rate of basic pay prescribed for
7 level IV of the Executive Schedule under section 5315 of
8 title 5, United States Code, for each day (including travel
9 time) during which the member is engaged in the perform-
10 ance of the duties of the Panel.

11 (2) The members of the Panel shall be allowed travel
12 expenses, including per diem in lieu of subsistence, at
13 rates authorized for employees of agencies under sub-
14 chapter I of chapter 57 of title 5, United States Code,
15 while away from their homes or regular places of business
16 in the performance of services for the Panel.

17 (3)(A) The chairman of the Panel may, without re-
18 gard to the civil service laws and regulations, appoint and
19 terminate an executive director and a staff if the Panel
20 determines that an executive director and staff are nec-
21 essary in order for the Panel to perform its duties effec-
22 tively. The employment of an executive director shall be
23 subject to confirmation by the Panel.

24 (B) The chairman may fix the compensation of the
25 executive director without regard to the provisions of

1 chapter 51 and subchapter III of chapter 53 of title 5,
2 United States Code, relating to classification of positions
3 and General Schedule pay rates, except that the rate of
4 pay for the executive director may not exceed the rate pay-
5 able for level V of the Executive Schedule under section
6 5316 of such title.

7 (4) Any employee of the United States may be de-
8 tailed to the Panel without reimbursement of the employ-
9 ee's agency, and such detail shall be without interruption
10 or loss of civil service status or privilege. The Secretary
11 shall ensure that sufficient personnel are detailed to the
12 Panel to enable the Panel to carry out its duties effec-
13 tively.

14 (5) To the maximum extent practicable, the members
15 and employees of the Panel shall travel on military air-
16 craft, military ships, military vehicles, or other military
17 conveyances when travel is necessary in the performance
18 of a duty of the Panel, except that no such aircraft, ship,
19 vehicle, or other conveyance may be scheduled primarily
20 for the transportation of any such member or employee
21 when the cost of commercial transportation is less expen-
22 sive.

23 (g) ADMINISTRATIVE PROVISIONS.—(1) The Panel
24 may use the United States mails and obtain printing and
25 binding services in the same manner and under the same

1 conditions as other departments and agencies of the Fed-
2 eral Government.

3 (2) The Secretary shall furnish the Panel any admin-
4 istrative and support services requested by the Panel.

5 (3) The Panel may accept, use, and dispose of gifts
6 or donations of services or property.

7 (h) PAYMENT OF PANEL EXPENSES.—The com-
8 pensation, travel expenses, and per diem allowances of
9 members and employees of the Panel shall be paid out of
10 funds available to the Department of Defense for the pay-
11 ment of compensation, travel allowances, and per diem al-
12 lowances, respectively, of civilian employees of the Depart-
13 ment. The other expenses of the Panel shall be paid out
14 of funds available to the Department for the payment of
15 similar expenses incurred by the Department.

16 (i) TERMINATION.—The Panel shall terminate at the
17 end of the year following the year in which the Panel sub-
18 mits its final report under subsection (d)(1)(B). For the
19 period that begins 90 days after the date of submittal of
20 the report, the activities and staff of the panel shall be
21 reduced to a level that the Secretary of Defense considers
22 sufficient to continue the availability of the panel for con-
23 sultation with the Secretary of Defense and with the Com-
24 mittees on Armed Services of the Senate and the House
25 of Representatives.

1 **SEC. 904. QUADRENNIAL NATIONAL DEFENSE PANEL.**

2 (a) NATIONAL DEFENSE PANEL.—(1) Chapter 7 of
3 title 10, United States Code, is amended by adding at the
4 end the following:

5 **“§ 184. National Defense Panel**

6 “(a) ESTABLISHMENT.—Not later than January 1 of
7 each year immediately preceding a year in which a Presi-
8 dent is to be inaugurated, the Secretary of Defense shall
9 establish a nonpartisan, independent panel to be known
10 as the National Defense Panel. The Panel shall have the
11 duties set forth in this section.

12 “(b) MEMBERSHIP AND CHAIRMAN.—(1) The Panel
13 shall be composed of nine members appointed from among
14 persons in the private sector who are recognized experts
15 in matters relating to the national security of the United
16 States, as follows:

17 “(A) Three members appointed by the Sec-
18 retary of Defense.

19 “(B) Three members appointed by the Chair-
20 man of the Committee on Armed Services of the
21 Senate, in consultation with the ranking member of
22 the committee.

23 “(C) Three members appointed by the Chair-
24 man of the Committee on Armed Services of the
25 House of Representatives, in consultation with the
26 ranking member of the committee.

1 “(2) The Secretary of Defense, in consultation with
2 the chairmen and ranking members of the Committees on
3 Armed Services of the Senate and the House of Represent-
4 atives, shall designate one of the members to serve as the
5 chairman of the Panel

6 “(c) DUTIES.—(1) The Panel shall—

7 “(A) assess the matters referred to in para-
8 graph (2);

9 “(B) assess the current and projected strategic
10 environment, together with the progress made by the
11 armed forces in transforming to meet the environ-
12 ment;

13 “(C) identify the most dangerous threats to the
14 national security interests of the United States that
15 are to be countered by the United States in the en-
16 suing 10 years and those that are to be encountered
17 in the ensuing 20 years;

18 “(D) identify the strategic and operational chal-
19 lenges for the armed forces to address in order to
20 prepare to counter the threats identified under sub-
21 paragraph (C);

22 “(E) develop—

23 “(i) a recommendation on the priority that
24 should be accorded to each of the strategic and

1 operational challenges identified under subpara-
2 graph (D); and

3 “(ii) a recommendation on the priority that
4 should be accorded to the development of each
5 joint capability needed to meet each such chal-
6 lenge; and

7 “(F) identify the issues that the Panel rec-
8 ommends for assessment during the next quadren-
9 nial review to be conducted under section 118 of this
10 title.

11 “(2) The matters to be assessed under paragraph
12 (1)(A) are the defense strategy, force structure, force
13 modernization plans, infrastructure, budget plan, and
14 other elements of the defense program and policies estab-
15 lished since the previous quadrennial defense review under
16 section 118 of this title.

17 “(3) The Panel shall conduct the assessments under
18 paragraph (1) with a view toward recommending—

19 “(A) the most critical changes that should be
20 made to the defense strategy of the United States
21 for the ensuing 10 years and the most critical
22 changes that should be made to the defense strategy
23 of the United States for the ensuing 20 years; and

24 “(B) any changes considered appropriate by the
25 Panel regarding the major weapon systems pro-

1 grammed for the force, including any alternatives to
2 those weapon systems.

3 “(d) REPORT.—(1) The Panel, in the year that it is
4 conducting an assessment under subsection (c), shall sub-
5 mit to the Secretary of Defense and to the Committees
6 on Armed Services of the Senate and the House of Rep-
7 resentatives two reports on the assessment, including a
8 discussion of the Panel’s activities, the findings and rec-
9 ommendations of the Panel, and any recommendations for
10 legislation that the Panel considers appropriate, as fol-
11 lows:

12 “(A) An interim report not later than July 1 of
13 the year.

14 “(B) A final report not later than December 1
15 of the year.

16 “(2) Not later than December 15 of the year in which
17 the Secretary receives a final report under paragraph
18 (1)(B), the Secretary shall submit to the committees re-
19 ferred to in paragraph (1) the Secretary’s comments on
20 that report.

21 “(e) INFORMATION FROM FEDERAL AGENCIES.—
22 The Panel may secure directly from the Department of
23 Defense and any of its components and from any other
24 department or agency of the United States any informa-
25 tion that the Panel considers necessary to carry out its

1 duties under this section. The head of that department
2 or agency shall ensure that information requested by the
3 Panel under this subsection is promptly provided.

4 “(f) PERSONNEL MATTERS.—(1) Each member of
5 the Panel shall be compensated at a rate equal to the daily
6 equivalent of the annual rate of basic pay prescribed for
7 level IV of the Executive Schedule under section 5315 of
8 title 5 for each day (including travel time) during which
9 the member is engaged in the performance of the duties
10 of the Panel.

11 “(2) The members of the Panel shall be allowed travel
12 expenses, including per diem in lieu of subsistence, at
13 rates authorized for employees of agencies under sub-
14 chapter I of chapter 57 of title 5 while away from their
15 homes or regular places of business in the performance
16 of services for the Panel.

17 “(3)(A) The chairman of the Panel may, without re-
18 gard to the civil service laws and regulations, appoint and
19 terminate an executive director and a staff if the Panel
20 determines that an executive director and staff are nec-
21 essary in order for the Panel to perform its duties effec-
22 tively. The employment of an executive director shall be
23 subject to confirmation by the Panel.

24 “(B) The chairman may fix the compensation of the
25 executive director without regard to the provisions of

1 chapter 51 and subchapter III of chapter 53 of title 5 re-
2 lating to classification of positions and General Schedule
3 pay rates, except that the rate of pay for the executive
4 director may not exceed the rate payable for level V of
5 the Executive Schedule under section 5316 of such title.

6 “(4) Any Federal Government employee may be de-
7 tailed to the Panel without reimbursement of the employ-
8 ee’s agency, and such detail shall be without interruption
9 or loss of civil service status or privilege. The Secretary
10 shall ensure that sufficient personnel are detailed to the
11 Panel to enable the Panel to carry out its duties effec-
12 tively.

13 “(5) To the maximum extent practicable, the mem-
14 bers and employees of the Panel shall travel on military
15 aircraft, military ships, military vehicles, or other military
16 conveyances when travel is necessary in the performance
17 of a duty of the Panel, except that no such aircraft, ship,
18 vehicle, or other conveyance may be scheduled primarily
19 for the transportation of any such member or employee
20 when the cost of commercial transportation is less expen-
21 sive.

22 “(g) ADMINISTRATIVE PROVISIONS.—(1) The Panel
23 may use the United States mails and obtain printing and
24 binding services in the same manner and under the same

1 conditions as other departments and agencies of the Fed-
2 eral Government.

3 “(2) The Secretary shall furnish the Panel any ad-
4 ministrative and support services requested by the Panel.

5 “(3) The Panel may accept, use, and dispose of gifts
6 or donations of services or property.

7 “(h) PAYMENT OF PANEL EXPENSES.—The com-
8 pensation, travel expenses, and per diem allowances of
9 members and employees of the Panel shall be paid out of
10 funds available to the Department of Defense for the pay-
11 ment of compensation, travel allowances, and per diem al-
12 lowances, respectively, of civilian employees of the Depart-
13 ment. The other expenses of the Panel shall be paid out
14 of funds available to the Department for the payment of
15 similar expenses incurred by the Department.

16 “(i) TERMINATION.—The Panel shall terminate at
17 the end of the year following the year in which the Panel
18 submits its final report under subsection (d)(1)(B). For
19 the period that begins 90 days after the date of submittal
20 of the report, the activities and staff of the panel shall
21 be reduced to a level that the Secretary of Defense con-
22 sidered sufficient to continue the availability of the Panel
23 for consultation with the Secretary of Defense and with
24 the Committees on Armed Services of the Senate and the
25 House of Representatives.”.

1 (2) The table of sections at the beginning of such
2 chapter is amended by adding at the end the following:

“184. National Defense Panel.”.

3 (b) FIRST PANEL TO BE ESTABLISHED IN 2004.—

4 The first National Defense Panel under section 184 of
5 title 10, United States Code (as added by subsection (a)),
6 shall be established in 2004.

7 **SEC. 905. INSPECTOR GENERAL INVESTIGATIONS OF PRO-**
8 **HIBITED PERSONNEL ACTIONS.**

9 (a) STANDARDS AND PROCEDURES FOR PRELIMI-
10 NARY DETERMINATIONS.—Subsection (c)(3)(A) of section
11 1034 of title 10, United States Code, is amended by in-
12 serting “, in accordance with regulations prescribed under
13 subsection (h),” after “shall expeditiously determine”.

14 (b) DEFINITION OF INSPECTOR GENERAL.—Sub-
15 section (i)(2) of such section is amended by adding at the
16 end the following:

17 “(H) An officer of the armed forces or em-
18 ployee of the Department of Defense, not re-
19 ferred to in any other subparagraph of this
20 paragraph, who is assigned or detailed to serve
21 as an Inspector General at any level in the De-
22 partment of Defense.”.

23 **SEC. 906. NETWORK CENTRIC WARFARE.**

24 (a) GOAL.—It shall be a goal of the Department of
25 Defense to fully coordinate the network centric warfare

1 efforts being pursued by the Joint Chiefs of Staff, the De-
2 fense Agencies, and the military departments so that (1)
3 the concepts, procedures, training, and technology devel-
4 opment resulting from those efforts lead to an integrated
5 information network, and (2) a coherent concept for ena-
6 bling information dominance in joint military operations
7 can be formulated.

8 (b) REPORT ON IMPLEMENTATION OF NETWORK
9 CENTRIC WARFARE PRINCIPLES.—(1) The Secretary of
10 Defense, in consultation with the Chairman of the Joint
11 Chiefs of Staff, shall submit to the congressional defense
12 committees a report on the development and implementa-
13 tion of network centric warfare concepts in the Depart-
14 ment of Defense.

15 (2) The report shall contain the following:

16 (A) A clear definition and terminology to de-
17 scribe the set of operational concepts referred to as
18 network centric warfare.

19 (B) An identification and description of cur-
20 rent, planned, and needed activities by the Office of
21 the Secretary of Defense, the Joint Chiefs of Staff,
22 and the United States Joint Forces Command to co-
23 ordinate the development of doctrine and the defini-
24 tion of requirements and to ensure that those activi-
25 ties are consistent with the concepts of network cen-

1 tric warfare and information superiority that are ar-
2 ticulated in Joint Vision 2010 issued by the Joint
3 Chiefs of Staff.

4 (C) Recommended metrics, and a process for
5 applying and reporting such metrics, to assist the
6 Secretary of Defense and the Chairman of the Joint
7 Chiefs of Staff in the evaluation of the progress
8 being made toward—

9 (i) the implementation of the concepts of
10 network centric warfare and information superi-
11 ority that are articulated in Joint Vision 2010;
12 and

13 (ii) the attainment of a fully integrated,
14 joint command, control, communications, com-
15 puters, intelligence, surveillance, and reconnais-
16 sance capability.

17 (D) A recommended joint concept development
18 and experimentation campaign for enabling the co-
19 evolution of doctrine, organization, training, mate-
20 riel, leadership, people, and facilities that are perti-
21 nent to achieving advances in command and control
22 consistent with the concepts of network centric war-
23 fare and information superiority articulated in those
24 vision statements.

1 (E) A description of the programs and initia-
2 tives underway, together with a discussion of the
3 progress made (as determined using metrics rec-
4 ommended under subparagraph (C)) toward—

5 (i) establishing a foundation for net-
6 working the sensors, combat personnel and
7 weapon systems, and decisionmaking nodes to
8 ensure that there is seamless communication
9 within each of the Armed Forces and across the
10 Armed Forces;

11 (ii) achieving, within and between the
12 Armed Forces, full situational awareness of the
13 dispositions of friendly forces so that joint task
14 forces can operate effectively on fast-changing
15 battlefields with substantially reduced risk of
16 fratricide and less restrictive control measures;
17 and

18 (iii) ensuring a seamless delivery of fire on
19 targets by the Armed Forces and allied forces,
20 with particular attention being given in that
21 discussion to how networking of surface and
22 aerial fire delivery and aerial transport assets
23 can be exploited to manage theater airspace so
24 as to minimize the coordination steps necessary

1 for obtaining fire clearance or aerial transit
2 clearance.

3 (F) An identification of the additional powers
4 that must be provided the officials making joint pol-
5 icy for the Armed Forces in order to ensure that
6 those officials have sufficient authority quickly to de-
7 velop and implement means for supporting network
8 centric warfare, including such means as interoper-
9 able intranets of the Armed Forces and joint and al-
10 lied interoperability standards for the joint operating
11 environment.

12 (G) The areas of joint authority that require
13 greater emphasis or resource allocation.

14 (H) The specific organizational entities that can
15 provide coordination for the development of network
16 centric warfare systems and doctrine.

17 (I) The joint requirements under development
18 that will lead to the acquisition of technologies for
19 enabling the implementation and support of network
20 centric warfare, together with—

21 (i) a description of how the joint require-
22 ments are modifying existing requirements and
23 vision statements of each of the Armed Forces
24 to better reflect the joint nature of network cen-
25 tric warfare;

1 (ii) a description of how the vision state-
2 ments are being expanded to reflect the role of
3 network centric warfare concepts in future coa-
4 lition operations and operations other than war;
5 and

6 (iii) an evaluation of whether there is a
7 need to modify the milestone decision processes
8 for all acquisition programs that directly affect
9 joint task force interoperability and interoper-
10 ability between the Armed Forces.

11 (J) A discussion of how the efforts within the
12 Department of Defense to implement information
13 superiority concepts described in Joint Vision 2010
14 are informed by private sector investments, and suc-
15 cesses and failures, in implementing networking
16 technologies that enhance distribution, inventory
17 control, maintenance management, personnel man-
18 agement, knowledge management, technology devel-
19 opment, and other relevant business areas.

20 (K) A discussion of how Department of Defense
21 activities to establish a joint network centric
22 capability—

23 (i) are coordinated with the Intelligence
24 Community, the Department of Commerce, the
25 Department of Justice, the Federal Emergency

1 Management Agency, and other departments
2 and agencies of the United States; and

3 (ii) are carried out in accordance with
4 Presidential Decision Directive 63 and the Na-
5 tional Plan for Information Systems Protection.

6 (c) STUDY ON USE OF JOINT EXPERIMENTATION
7 FOR DEVELOPING NETWORK CENTRIC WARFARE CON-
8 CEPTS.—(1) The Secretary of Defense shall conduct a
9 study on the present and future use of the joint experi-
10 mentation program of the Department of Defense in the
11 development of network centric warfare concepts.

12 (2) The Secretary shall submit to the congressional
13 defense committees a report on the results of the study.
14 The report shall include the following:

15 (A) A survey and description of how experimen-
16 tation under the joint experimentation program and
17 experimentation under the experimentation program
18 of each of the Armed Forces are being used for eval-
19 uating emerging concepts in network centric war-
20 fare.

21 (B) Recommended means and mechanisms for
22 using the results of the joint experimentation for de-
23 veloping new joint requirements, new joint doctrine,
24 and new acquisition programs of the military depart-
25 ments and Defense Agencies with a view to achiev-

1 ing the objective of supporting network centric oper-
2 ations.

3 (C) Recommendations on future joint experi-
4 mentation to validate and accelerate the use of net-
5 work centric warfare concepts in operations involving
6 coalition forces.

7 (D) Recommendations on how joint experimen-
8 tation can be used to identify impediments to—

9 (i) the development of a joint information
10 network; and

11 (ii) the seamless coordination of the
12 intranet systems of each of the Armed Forces
13 in operational environments.

14 (E) Recommendations on how joint experimen-
15 tation can be used to develop concepts in revolu-
16 tionary force redesign to leverage new operational
17 concepts in network centric warfare.

18 (F) The levels of appropriations necessary for
19 joint experimentation on network-related concepts.

20 (3) The Secretary of Defense, acting through the
21 Chairman of the Joint Chiefs of Staff, shall designate the
22 Commander in Chief of the United States Joint Forces
23 Command to carry out the study and to prepare the report
24 required under this subsection.

1 (d) REPORT ON SCIENCE AND TECHNOLOGY PRO-
2 GRAMS TO SUPPORT NETWORK CENTRIC WARFARE CON-
3 CEPTS.—(1) The Under Secretary of Defense for Acquisi-
4 tion, Technology, and Logistics shall submit to the con-
5 gressional defense committees a report describing the co-
6 ordination of the science and technology investments of
7 the military departments and Defense Agencies in the de-
8 velopment of future joint network centric warfare capabili-
9 ties. The Under Secretary shall consult with the Chairman
10 of the Joint Chiefs of Staff in the preparation of the re-
11 port.

12 (2) The report shall include the following:

13 (A) A discussion of the science and technology
14 investments in the following areas:

15 (i) Sensors, including ground-based, air-
16 based, sea-based, and space-based inhabited
17 and uninhabited systems.

18 (ii) Seamless communications and net-
19 working protocols and technologies.

20 (iii) Modeling and simulation of tech-
21 nologies and operational concepts.

22 (iv) Secure and reliable information net-
23 works and databases.

24 (v) Computing and software technology.

25 (vi) Robust human-machine interfaces.

1 (vii) Novel training concepts for supporting
 2 network centric operations.

3 (B) For the areas listed in subparagraph (A)—

4 (i) a rationalization of the rapid pace of
 5 technological change and the influence of global
 6 developments in commercial technology; and

7 (ii) an explanation of how that rationaliza-
 8 tion is informing and modifying science and
 9 technology investments made by the Depart-
 10 ment of Defense.

11 (e) TIME FOR SUBMISSION OF REPORTS.—Each re-
 12 port required under this section shall be submitted not
 13 later than March 1, 2001.

14 **SEC. 907. ADDITIONAL DUTIES FOR THE COMMISSION TO**
 15 **ASSESS UNITED STATES NATIONAL SECURITY**
 16 **SPACE MANAGEMENT AND ORGANIZATION.**

17 Section 1622(a) of the National Defense Authoriza-
 18 tion Act for Fiscal Year 2000 (Public Law 106–65; 113
 19 Stat. 814; 10 U.S.C. 111 note) is amended by adding at
 20 the end the following:

21 “(6) The advisability of—

22 “(A) various actions to eliminate the re-
 23 quirement for specified officers in the United
 24 States Space Command to be flight rated that
 25 results from the dual assignment of such offi-

cers to that command and to one or more other commands for which the officers are expressly required to be flight rated;

“(B) the establishment of a requirement that all new general or flag officers of the United States Space Command have experience in space, missile, or information operations that is either acquisition experience or operational experience; and

“(C) rotating the command of the United States Space Command among the Armed Forces.”.

**SEC. 908. SPECIAL AUTHORITY FOR ADMINISTRATION OF
NAVY FISHER HOUSES.**

(a) BASE OPERATING SUPPORT.—Section 2493 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) SPECIAL AUTHORITY FOR NAVY.—The Secretary of the Navy shall provide base operating support for Fisher Houses associated with health care facilities of the Navy. The level of the support shall be equivalent to the base operating support that the Secretary provides for

1 morale, welfare, and recreation category B community ac-
2 tivities (as defined in regulations, prescribed by the Sec-
3 retary, that govern morale, welfare, and recreation activi-
4 ties associated with Navy installations).”.

5 (b) SAVINGS PROVISIONS FOR CERTAIN NAVY EM-
6 PLOYEES.—(1) The Secretary of the Navy may continue
7 to employ, and pay out of appropriated funds, any em-
8 ployee of the Navy in the competitive service who, as of
9 October 17, 1998, was employed by the Navy in a position
10 at a Fisher House administered by the Navy, but only for
11 so long as the employee is continuously employed in that
12 position.

13 (2) After a person vacates a position in which the
14 person was continued to be employed under the authority
15 of paragraph (1), a person employed in that position shall
16 be employed as an employee of a nonappropriated fund
17 instrumentality of the United States and may not be paid
18 for services in that position out of appropriated funds.

19 (3) In this subsection:

20 (A) The term “Fisher House” has the meaning
21 given the term in section 2493(a)(1) of title 10,
22 United States Code.

23 (B) The term “competitive service” has the
24 meaning given the term in section 2102 of title 5,
25 United States Code.

1 (c) EFFECTIVE DATE.—(1) The amendments made
 2 by subsection (a) shall be effective as of October 17, 1998,
 3 as if included in section 2493 of title 10, United States
 4 Code, as enacted by section 906(a) of Public Law 105–
 5 261.

6 (2) Subsection (b) applies with respect to the pay pe-
 7 riod that includes October 17, 1998, and subsequent pay
 8 periods.

9 **SEC. 909. ORGANIZATION AND MANAGEMENT OF THE CIVIL**
 10 **AIR PATROL.**

11 (a) IN GENERAL.—Chapter 909 of title 10, United
 12 States Code, is amended to read as follow:

13 **“CHAPTER 909—CIVIL AIR**
 14 **PATROL**

“Sec.

“9441. Status as federally chartered corporation; purposes.

“9442. Status as volunteer civilian auxiliary of the Air Force.

“9443. Activities not performed as auxiliary of the Air Force.

“9444. Activities performed as auxiliary of the Air Force.

“9445. Funds appropriated for the Civil Air Patrol.

“9446. Miscellaneous personnel authorities.

“9447. Board of Governors.

“9448. Regulations.

15 **“§ 9441. Status as federally chartered corporation;**
 16 **purposes**

17 “(a) STATUS.—(1) The Civil Air Patrol is a nonprofit
 18 corporation that is federally chartered under section
 19 40301 of title 36.

1 “(2) Except as provided in section 9442(b)(2) of this
2 title, the Civil Air Patrol is not an instrumentality of the
3 Federal Government for any purpose.

4 “(b) PURPOSES.—The purposes of the Civil Air Pa-
5 trol are set forth in section 40302 of title 36.

6 **“§ 9442. Status as volunteer civilian auxiliary of the**
7 **Air Force**

8 “(a) VOLUNTEER CIVILIAN AUXILIARY.—The Civil
9 Air Patrol is a volunteer civilian auxiliary of the Air Force
10 when the services of the Civil Air Patrol are used by any
11 department or agency in any branch of the Federal Gov-
12 ernment.

13 “(b) USE BY AIR FORCE.—(1) The Secretary of the
14 Air Force may use the services of the Civil Air Patrol to
15 fulfill the noncombat programs and missions of the De-
16 partment of the Air Force.

17 “(2) The Civil Air Patrol shall be deemed to be an
18 instrumentality of the United States with respect to any
19 act or omission of the Civil Air Patrol, including any mem-
20 ber of the Civil Air Patrol, in carrying out a mission as-
21 signed by the Secretary of the Air Force.

22 **“§ 9443. Activities not performed as auxiliary of the**
23 **Air Force**

24 “(a) SUPPORT FOR STATE AND LOCAL AUTHORI-
25 TIES.—The Civil Air Patrol may, in its status as a feder-

1 ally chartered nonprofit corporation and not as an auxil-
2 iary of the Air Force, provide assistance requested by
3 State or local governmental authorities to perform disaster
4 relief missions and activities, other emergency missions
5 and activities, and nonemergency missions and activities.
6 Missions and activities carried out under this section shall
7 be consistent with the purposes of the Civil Air Patrol.

8 “(b) USE OF FEDERALLY PROVIDED RESOURCES.—

9 (1) To perform any mission or activity authorized under
10 subsection (a), the Civil Air Patrol may use any equip-
11 ment, supplies, and other resources provided to it by the
12 Air Force or by any other department or agency of the
13 Federal Government or acquired by or for the Civil Air
14 Patrol with appropriated funds, without regard to whether
15 the Civil Air Patrol has reimbursed the Federal Govern-
16 ment source for the equipment, supplies, other resources,
17 or funds, as the case may be.

18 “(2) The use of equipment, supplies, or other re-
19 sources under paragraph (1) is subject to—

20 “(A) the terms and conditions of the applicable
21 agreement entered into under chapter 63 of title 31;
22 and

23 “(B) the laws and regulations that govern the
24 use by nonprofit corporations of federally provided

1 assets or of assets purchased with appropriated
2 funds, as the case may be.

3 “(c) AUTHORITY NOT CONTINGENT ON REIMBURSE-
4 MENT.—The authority for the Civil Air Patrol to provide
5 assistance under this section is not contingent on the Civil
6 Air Patrol being reimbursed for the cost of providing the
7 assistance. If the Civil Air Patrol requires reimbursement
8 for the provision of any such assistance, the Civil Air Pa-
9 trol may establish the reimbursement rate for the assist-
10 ance at a rate less than the rate charged by private sector
11 sources for equivalent services.

“(d) LIABILITY INSURANCE.—The Secretary of the Air Force may provide the Civil Air Patrol with funds for paying the cost of liability insurance for missions and activities carried out under this section.

16 **“§ 9444. Activities performed as auxiliary of the Air**
17 **Force**

“(a) AIR FORCE SUPPORT FOR ACTIVITIES.—The Secretary of the Air Force may furnish to the Civil Air Patrol in accordance with this section any equipment, supplies, and other resources that the Secretary determines necessary to enable the Civil Air Patrol to fulfill the missions assigned by the Secretary to the Civil Air Patrol as an auxiliary of the Air Force.

1 “(b) FORMS OF AIR FORCE SUPPORT.—The Sec-
2 retary of the Air Force may, under subsection (a)—

3 “(1) give, lend, or sell to the Civil Air Patrol
4 without regard to the Federal Property and Admin-
5 istrative Services Act of 1949 (40 U.S.C. 471 et
6 seq.)—

7 “(A) major items of equipment (including
8 aircraft, motor vehicles, computers, and com-
9 munications equipment) that are excess to the
10 military departments; and

11 “(B) necessary related supplies and train-
12 ing aids that are excess to the military depart-
13 ments;

14 “(2) permit the use, with or without charge, of
15 services and facilities of the Air Force;

16 “(3) furnish supplies (including fuel, lubricants,
17 and other items required for vehicle and aircraft op-
18 erations) or provide funds for the acquisition of sup-
19 plies;

20 “(4) establish, maintain, and supply liaison offi-
21 cers of the Air Force at the national, regional, State,
22 and territorial headquarters of the Civil Air Patrol;

23 “(5) detail or assign any member of the Air
24 Force or any officer, employee, or contractor of the
25 Department of the Air Force to any liaison office at

1 the national, regional, State, or territorial head-
2 quarters of the Civil Air Patrol;

3 “(6) detail any member of the Air Force or any
4 officer, employee, or contractor of the Department of
5 the Air Force to any unit or installation of the Civil
6 Air Patrol to assist in the training programs of the
7 Civil Air Patrol;

8 “(7) authorize the payment of travel expenses
9 and allowances, at rates not to exceed those paid to
10 employees of the Federal Government under sub-
11 chapter I of chapter 57 of title 5, to members of the
12 Civil Air Patrol while the members are carrying out
13 programs or missions specifically assigned by the Air
14 Force;

15 “(8) provide funds for the national head-
16 quarters of the Civil Air Patrol, including—

17 “(A) funds for the payment of staff com-
18 pensation and benefits, administrative expenses,
19 travel, per diem and allowances, rent, utilities,
20 other operational expenses of the national head-
21 quarters; and

22 “(B) to the extent considered necessary by
23 the Secretary of the Air Force to fulfill Air
24 Force requirements, funds for the payment of

1 compensation and benefits for key staff at re-
2 gional, State, or territorial headquarters;

3 “(9) authorize the payment of expenses of plac-
4 ing into serviceable condition, improving, and main-
5 taining equipment (including aircraft, motor vehi-
6 cles, computers, and communications equipment)
7 owned or leased by the Civil Air Patrol;

8 “(10) provide funds for the lease or purchase of
9 items of equipment that the Secretary determines
10 necessary for the Civil Air Patrol;

11 “(11) support the Civil Air Patrol cadet pro-
12 gram by furnishing—

13 “(A) articles of the Air Force uniform to
14 cadets without cost; and

15 “(B) any other support that the Secretary
16 of the Air Force determines is consistent with
17 Air Force missions and objectives; and

18 “(12) provide support, including appropriated
19 funds, for the Civil Air Patrol aerospace education
20 program to the extent that the Secretary of the Air
21 Force determines appropriate for furthering the ful-
22 fillment of Air Force missions and objectives.

23 “(c) ASSISTANCE BY OTHER AGENCIES.—(1) The
24 Secretary of the Air Force may arrange for the use by
25 the Civil Air Patrol of such facilities and services under

1 the jurisdiction of the Secretary of the Army, the Sec-
2 retary of the Navy, or the head of any other department
3 or agency of the United States as the Secretary of the
4 Air Force considers to be needed by the Civil Air Patrol
5 to carry out its mission.

6 “(2) An arrangement for use of facilities or services
7 of a military department or other department or agency
8 under this subsection shall be subject to the agreement
9 of the Secretary of the military department or head of the
10 other department or agency, as the case may be.

11 “(3) Each arrangement under this subsection shall
12 be made in accordance with regulations prescribed under
13 section 9448 of this title.

14 **“§ 9445. Funds appropriated for the Civil Air Patrol**

15 “Funds appropriated for the Civil Air Patrol shall be
16 available only for the exclusive use of the Civil Air Patrol.

17 **“§ 9446. Miscellaneous personnel authorities**

18 “(a) USE OF RETIRED AIR FORCE PERSONNEL.—

19 (1) Upon the request of a person retired from service in
20 the Air Force, the Secretary of the Air Force may enter
21 into a personal services contract with that person pro-
22 viding for the person to serve as an administrator or liai-
23 son officer for the Civil Air Patrol. The qualifications of
24 a person to provide the services shall be determined and

1 approved in accordance with regulations prescribed under
2 section 9448 of this title.

3 “(2) To the extent provided in a contract under para-
4 graph (1), a person providing services under the contract
5 may accept services on behalf of the Air Force.

6 “(3) A person, while providing services under a con-
7 tract authorized under paragraph (1), may not be consid-
8 ered to be on active duty or inactive-duty training for any
9 purpose.

10 “(b) USE OF CIVIL AIR PATROL CHAPLAINS.—The
11 Secretary of the Air Force may use the services of Civil
12 Air Patrol chaplains in support of the Air Force active
13 duty and reserve component forces to the extent and under
14 conditions that the Secretary determines appropriate.

15 **“§ 9447. Board of Governors**

16 “(a) GOVERNING BODY.—The Board of Governors of
17 the Civil Air Patrol is the governing body of the Civil Air
18 Patrol.

19 “(b) COMPOSITION.—The Board of Governors is
20 composed of 13 members as follows:

21 “(1) Four members appointed by the Secretary
22 of the Air Force, who may be active or retired offi-
23 cers of the Air Force (including reserve components
24 of the Air Force), employees of the Federal Govern-
25 ment, or private citizens.

1 “(2) Four members of the Civil Air Patrol,
2 elected from among the members of the Civil Air
3 Patrol in the manner provided in regulations pre-
4 scribed under section 9448 of this title.

5 “(3) Three members appointed or selected as
6 provided in subsection (c) from among personnel of
7 any Federal Government agencies, public corpora-
8 tions, nonprofit associations, and other organizations
9 that have an interest and expertise in civil aviation
10 and the Civil Air Patrol mission.

11 “(4) One member appointed by the Majority
12 Leader of the Senate.

13 “(5) One member appointed by the Speaker of
14 the House of Representatives.

15 “(c) APPOINTMENTS FROM INTERESTED ORGANIZA-
16 TIONS.—(1) Subject to paragraph (2), the members of the
17 Board of Governors referred to in subsection (b)(3) shall
18 be appointed jointly by the Secretary of the Air Force and
19 the National Commander of the Civil Air Patrol.

20 “(2) Any vacancy in the position of a member re-
21 ferred to in paragraph (1) that is not filled under that
22 paragraph within 90 days shall be filled by majority vote
23 of the other members of the Board.

24 “(d) CHAIRPERSON.—(1) The Chairperson of the
25 Board of Governors shall be chosen by the members of

1 the Board of Governors from among the members of the
2 Board eligible for selection under paragraph (2) and shall
3 serve for a term of two years.

4 “(2) The position of Chairperson shall be held on a
5 rotating basis, first by a member of the Board selected
6 from among those appointed by the Secretary of the Air
7 Force under paragraph (1) of subsection (b) and then by
8 a member of the Board selected from among the members
9 elected by the Civil Air Patrol under paragraph (2) of that
10 subsection. Upon the expiration of the term of a Chair-
11 person selected from among the members referred to in
12 one of those paragraphs, the selection of a successor to
13 that position shall be made from among the members who
14 are referred to in the other paragraph.

15 “(e) POWERS.—(1) The Board of Governors shall,
16 subject to paragraphs (2) and (3), exercise the powers
17 granted under section 40304 of title 36.

18 “(2) Any exercise by the Board of the power to
19 amend the constitution or bylaws of the Civil Air Patrol
20 or to adopt a new constitution or bylaws shall be subject
21 to the approval of the corporate officers of the Civil Air
22 Patrol, as those officers are defined in the constitution and
23 bylaws of the Civil Air Patrol.

1 “(3) Neither the Board of Governors nor any other
 2 component of the Civil Air Patrol may modify or terminate
 3 any requirement or authority set forth in this section.

4 “(f) PERSONAL LIABILITY FOR BREACH OF A FIDU-
 5 CIARY DUTY.—(1) The Board of Governors may, subject
 6 to paragraph (2), take such action as is necessary to limit
 7 the personal liability of a member of the Board of Gov-
 8 ernors to the Civil Air Patrol or to any of its members
 9 for monetary damages for a breach of fiduciary duty while
 10 serving as a member of the Board.

11 “(2) The Board may not limit the liability of a mem-
 12 ber of the Board of Governors to the Civil Air Patrol or
 13 to any of its members for monetary damages for any of
 14 the following:

15 “(A) A breach of the member’s duty of loyalty
 16 to the Civil Air Patrol or its members.

17 “(B) Any act or omission that is not in good
 18 faith or that involves intentional misconduct or a
 19 knowing violation of law.

20 “(C) Participation in any transaction from
 21 which the member directly or indirectly derives an
 22 improper personal benefit.

23 “(3) Nothing in this subsection shall be construed as
 24 rendering section 207 or 208 of title 18 inapplicable in
 25 any respect to a member of the Board of Governors who

1 is a member of the Air Force on active duty, an officer
2 on a retired list of the Air Force, or an employee of the
3 Federal Government.

4 “(g) PERSONAL LIABILITY FOR BREACH OF A FIDU-
5 CIARY DUTY.—(1) Except as provided in paragraph (2),
6 no member of the Board of Governors or officer of the
7 Civil Air Patrol shall be personally liable for damages for
8 any injury or death or loss or damage of property resulting
9 from a tortious act or omission of an employee or member
10 of the Civil Air Patrol.

11 “(2) Paragraph (1) does not apply to a member of
12 the Board of Governors or officer of the Civil Air Patrol
13 for a tortious act or omission in which the member or offi-
14 cer, as the case may be, was personally involved, whether
15 in breach of a civil duty or in commission of a criminal
16 offense.

17 “(3) Nothing in this subsection shall be construed to
18 restrict the applicability of common law protections and
19 rights that a member of the Board of Governors or officer
20 of the Civil Air Patrol may have.

21 “(4) The protections provided under this subsection
22 are in addition to the protections provided under sub-
23 section (f).

1 **“§ 9448. Regulations**

2 “(a) **AUTHORITY.**—The Secretary of the Air Force
3 shall prescribe regulations for the administration of this
4 chapter.

5 “(b) **REQUIRED REGULATIONS.**—The regulations
6 shall include the following:

7 “(1) Regulations governing the conduct of the
8 activities of the Civil Air Patrol when it is per-
9 forming its duties as a volunteer civilian auxiliary of
10 the Air Force under section 9442 of this title.

11 “(2) Regulations for providing support by the
12 Air Force and for arranging assistance by other
13 agencies under section 9444 of this title.

14 “(3) Regulations governing the qualifications of
15 retired Air Force personnel to serve as an adminis-
16 trator or liaison officer for the Civil Air Patrol under
17 a personal services contract entered into under sec-
18 tion 9446(a) of this title.

19 “(4) Procedures and requirements for the elec-
20 tion of members of the Board of Governors under
21 section 9447(b)(2) of this title.

22 “(c) **APPROVAL BY SECRETARY OF DEFENSE.**—The
23 regulations required by subsection (b)(2) shall be subject
24 to the approval of the Secretary of Defense.”.

25 (b) **CONFORMING AMENDMENTS.**—(1) Section 40302
26 of title 36, United States Code, is amended—

1 (A) by striking “to—” in the matter preceding
2 paragraph (1) and inserting “as follows.”;

3 (B) by inserting “To” after the paragraph des-
4 ignation in each of paragraphs (1), (2), (3), and (4);

5 (C) by striking the semicolon at the end of
6 paragraphs (1)(B) and (2) and inserting a period;

7 (D) by striking “; and” at the end of paragraph
8 (3) and inserting a period; and

9 (E) by adding at the end the following:

10 “(5) To assist the Department of the Air Force
11 in fulfilling its noncombat programs and missions.”.

12 (2)(A) Section 40303 of such title is amended—

13 (i) by inserting “(a) MEMBERSHIP.—” before
14 “Eligibility”; and

15 (ii) by adding at the end the following:

16 “(b) GOVERNING BODY.—The Civil Air Patrol has a
17 Board of Governors. The composition and responsibilities
18 of the Board of Governors are set forth in section 9447
19 of title 10.”.

20 (B) The heading for such section is amended to read
21 as follows:

22 **“§ 40303. Membership and governing body”.**

23 (C) The item relating to such section in the table of
24 sections at the beginning of chapter 403 of title 36, United
25 States Code, is amended to read as follows:

“40303. Membership and governing body.”.

1 (c) **EFFECTIVE DATE.**—This section and the amend-
 2 ments made by this section shall take effect on January
 3 1, 2001.

4 **SEC. 910. RESPONSIBILITY FOR THE NATIONAL GUARD**
 5 **CHALLENGE PROGRAM.**

6 (a) **SECRETARY OF DEFENSE.**—Subsection (a) of
 7 section 509 of title 32, United States Code, is amended
 8 by striking “, acting through the Chief of the National
 9 Guard Bureau,”.

10 (b) **CLARIFICATION OF SOURCE OF FEDERAL SUP-**
 11 **PORT.**—Subsection (b) of such section is amended by
 12 striking “Federal expenditures” and inserting “Depart-
 13 ment of Defense expenditures”.

14 (c) **REGULATIONS.**—Such section is further
 15 amended—

16 (1) by redesignating subsection (l) and sub-
 17 section (m); and

18 (2) by inserting after subsection (k) the fol-
 19 lowing new subsection (l):

20 “(l) **REGULATIONS.**—The Secretary of Defense shall
 21 prescribe regulations to carry out this section, including
 22 regulations governing the following:

23 “(1) Terms and conditions to be included in
 24 program agreements under subsection (c).

1 “(2) The eligibility requirements for participa-
2 tion under subsection (e).

3 “(3) The benefits authorized for program par-
4 ticipants under subsection (f).

5 “(4) The status of National Guard personnel
6 providing services for the program under subsection
7 (g).

8 “(5) The use of equipment and facilities of the
9 National Guard for the program under subsection
10 (h).

11 “(6) The status of program participants under
12 subsection (i).

13 “(7) The procedures for communicating be-
14 tween the Secretary of Defense and States regarding
15 the program.”.

16 **SEC. 911. SUPERVISORY CONTROL OF ARMED FORCES RE-**
17 **TIREMENT HOME BOARD BY SECRETARY OF**
18 **DEFENSE.**

19 (a) BOARD AUTHORITY SUBJECT TO SECRETARY’S
20 CONTROL.—Section 1516(a) of the Armed Forces Retire-
21 ment Home Act of 1991 (Public Law 101–510; 24 U.S.C.
22 416(a)) is amended by inserting after the first sentence
23 the following: “The Board is subject to the authority, di-
24 rection, and control of the Secretary of Defense in the per-
25 formance of its responsibilities.”.

1 (b) APPOINTMENT AND TERMS OF BOARD MEM-
2 BERS.—Section 1515 of such Act (24 U.S.C. 415) is
3 amended—

4 (1) in subsection (b), by adding at the end the
5 following:

6 “An appointment not made by the Secretary of Defense
7 is subject to the approval of the Secretary of Defense.”;

8 (2) in subsection (e)(3), by striking “Chairman
9 of the Retirement Home Board” and inserting “Sec-
10 retary of Defense”; and

11 (3) in subsection (f), by striking “(f) EARLY
12 EXPIRATION OF TERM.—” and inserting the fol-
13 lowing:

14 “(f) EARLY TERMINATION.—(1) The Secretary of
15 Defense may terminate the appointment of a member of
16 the Board at the pleasure of the Secretary.

17 “(2)”.

18 (c) RESPONSIBILITY OF CHAIRMAN TO THE SEC-
19 RETARY.—Section 1515(d)(1)(B) of such Act (24 U.S.C.
20 415(d)(1)(B)) is amended by striking “not be responsible
21 to the Secretary of Defense or to the Secretaries of the
22 military departments” and inserting “be responsible to the
23 Secretary of Defense, but not to the Secretaries of the
24 military departments,”.

1 **SEC. 912. CONSOLIDATION OF CERTAIN NAVY GIFT FUNDS.**

2 (a) MERGER OF NAVAL HISTORICAL CENTER FUND
3 INTO DEPARTMENT OF THE NAVY GENERAL GIFT
4 FUND.—(1) The Secretary of the Navy shall transfer all
5 amounts in the Naval Historical Center Fund maintained
6 under section 7222 of title 10, United States Code, to the
7 Department of the Navy General Gift Fund maintained
8 under section 2601 of such title. Upon completing the
9 transfer, the Secretary shall close the Naval Historical
10 Center Fund.

11 (2) Amounts transferred to the Department of the
12 Navy General Gift Fund under this subsection shall be
13 merged with other amounts in that Fund and shall be
14 available for the purposes for which amounts in that Fund
15 are available.

16 (b) CONSOLIDATION OF NAVAL ACADEMY GENERAL
17 GIFT FUND AND NAVAL ACADEMY MUSEUM FUND.—(1)
18 The Secretary of the Navy shall transfer all amounts in
19 the United States Naval Academy Museum Fund estab-
20 lished by section 6974 of title 10, United States Code, to
21 the gift fund maintained for the benefit and use of the
22 United States Naval Academy under section 6973 of such
23 title. Upon completing the transfer, the Secretary shall
24 close the United States Naval Academy Museum Fund.

25 (2) Amounts transferred under this subsection shall
26 be merged with other amounts in the gift fund to which

1 transferred and shall be available for the purposes for
2 which amounts in that gift fund are available.

3 (c) CONSOLIDATION AND REVISION OF AUTHORITIES
4 FOR ACCEPTANCE OF GIFTS, BEQUESTS, AND LOANS FOR
5 THE UNITED STATES NAVAL ACADEMY.—(1) Subsection
6 (a) of section 6973 of title 10, United States Code, is
7 amended—

8 (A) in the first sentence—

9 (i) by inserting “, and loans of personal
10 property other than money,” after “gifts and
11 bequests of personal property”; and

12 (ii) by inserting “or the Naval Academy
13 Museum, its collection, or its services” before
14 the period at the end;

15 (B) in the second sentence, by striking
16 “‘United States Naval Academy general gift fund’”
17 and inserting “‘United States Naval Academy Gift
18 and Museum Fund’”; and

19 (C) in the third sentence, by inserting “(includ-
20 ing the Naval Academy Museum)” after “the Naval
21 Academy”.

22 (2) Such section 6973 is further amended—

23 (A) by redesignating subsections (b) and (c) as
24 subsections (c) and (d), respectively; and

1 (B) by inserting after subsection (a) the fol-
2 lowing new subsection (b):

3 “(b) The Secretary shall prescribe written guidelines
4 to be used for determinations of whether the acceptance
5 of money, any personal property, or any loan of personal
6 property under subsection (a) would reflect unfavorably on
7 the ability of the Department of the Navy or any officer
8 or employee of the Department of the Navy to carry out
9 responsibilities or duties in a fair and objective manner,
10 or would compromise either the integrity or the appear-
11 ance of the integrity of any program of the Department
12 of the Navy or any officer or employee of the Department
13 of the Navy who is involved in any such program.”.

14 (3) Subsection (d) of such section, as redesignated
15 by paragraph (2)(A), is amended by striking “United
16 States Naval Academy general gift fund” both places it
17 appears and inserting “United States Naval Academy Gift
18 and Museum Fund”.

19 (4) The heading for such section is amended to read
20 as follows:

1 **“§ 6973. Gifts, bequests, and loans of property: accept-**
2 **ance for benefit and use of Naval Acad-**
3 **emy”.**

4 (d) REFERENCES TO CLOSED GIFT FUNDS.—(1)
5 Section 6974 of title 10, United States Code, is amended
6 to read as follows:

7 **“§ 6974. United States Naval Academy Museum Fund:**
8 **references to Fund**

9 “Any reference in a law, regulation, document, paper,
10 or other record of the United States to the United States
11 Naval Academy Museum Fund formerly maintained under
12 this section shall be deemed to refer to the United States
13 Naval Academy Gift and Museum Fund maintained under
14 section 6973 of this title.”.

15 (2) Section 7222 of such title is amended to read as
16 follows:

17 **“§ 7222. Naval Historical Center Fund: references to**
18 **Fund**

19 “Any reference in a law, regulation, document, paper,
20 or other record of the United States to the Naval Histor-
21 ical Center Fund formerly maintained under this section
22 shall be deemed to refer to the Department of the Navy
23 General Gift Fund maintained under section 2601 of this
24 title.”.

25 (e) CLERICAL AMENDMENTS.—(1) The table of sec-
26 tions at the beginning of chapter 603 of title 10, United

1 States Code, is amended by striking the items relating to
2 sections 6973 and 6974 and inserting the following:

“6973. Gifts, bequests, and loans of property: acceptance for benefit and use
of Naval Academy.

“6974. United States Naval Academy Museum Fund: references to Fund.”.

3 (2) The item relating to section 7222 of such title
4 in the table of sections at the beginning of chapter 631
5 of such title is amended to read as follows:

“7222. Naval Historical Center Fund: references to Fund.”.

6 **SEC. 913. TEMPORARY AUTHORITY TO DISPOSE OF A GIFT**
7 **PREVIOUSLY ACCEPTED FOR THE NAVAL**
8 **ACADEMY.**

9 Notwithstanding section 6973 of title 10, United
10 States Code, during fiscal year 2001, the Secretary of the
11 Navy may dispose of the current cash value of a gift ac-
12 cepted before the date of the enactment of this Act for
13 the Naval Academy general gift fund by disbursing out
14 of that fund the amount equal to that cash value to an
15 entity designated by the donor of the gift.

16 **TITLE X—GENERAL PROVISIONS**
17 **Subtitle A—Financial Matters**

18 **SEC. 1001. TRANSFER AUTHORITY.**

19 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

20 (1) Upon determination by the Secretary of Defense that
21 such action is necessary in the national interest, the Sec-
22 retary may transfer amounts of authorizations made avail-
23 able to the Department of Defense in this division for fis-

1 cal year 2001 between any such authorizations for that
2 fiscal year (or any subdivisions thereof). Amounts of au-
3 thorizations so transferred shall be merged with and be
4 available for the same purposes as the authorization to
5 which transferred.

6 (2) The total amount of authorizations that the Sec-
7 retary may transfer under the authority of this section
8 may not exceed \$2,000,000,000.

9 (b) LIMITATIONS.—The authority provided by this
10 section to transfer authorizations—

11 (1) may only be used to provide authority for
12 items that have a higher priority than the items
13 from which authority is transferred; and

14 (2) may not be used to provide authority for an
15 item that has been denied authorization by Con-
16 gress.

17 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
18 transfer made from one account to another under the au-
19 thority of this section shall be deemed to increase the
20 amount authorized for the account to which the amount
21 is transferred by an amount equal to the amount trans-
22 ferred.

23 (d) NOTICE TO CONGRESS.—The Secretary shall
24 promptly notify Congress of each transfer made under
25 subsection (a).

1 **SEC. 1002. AUTHORIZATION OF EMERGENCY SUPPLE-**
2 **MENTAL APPROPRIATIONS FOR FISCAL YEAR**
3 **2000.**

4 Amounts authorized to be appropriated to the De-
5 partment of Defense for fiscal year 2000 in the National
6 Defense Authorization Act for Fiscal Year 2000 (Public
7 Law 106–65) are hereby adjusted, with respect to any
8 such authorized amount, by the amount by which appro-
9 priations pursuant to such authorization were increased
10 (by a supplemental appropriation) or decreased (by a re-
11 scission), or both, in any law making supplemental appro-
12 priations for fiscal year 2000 that is enacted during the
13 106th Congress, second session.

14 **SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COM-**
15 **MON-FUNDED BUDGETS IN FISCAL YEAR 2001.**

16 (a) **FISCAL YEAR 2001 LIMITATION.**—The total
17 amount contributed by the Secretary of Defense in fiscal
18 year 2001 for the common-funded budgets of NATO may
19 be any amount up to, but not in excess of, the amount
20 specified in subsection (b) (rather than the maximum
21 amount that would otherwise be applicable to those con-
22 tributions under the fiscal year 1998 baseline limitation).

23 (b) **TOTAL AMOUNT.**—The amount of the limitation
24 applicable under subsection (a) is the sum of the following:

25 (1) The amounts of unexpended balances, as of
26 the end of fiscal year 2000, of funds appropriated

1 for fiscal years before fiscal year 2001 for payments
2 for those budgets.

3 (2) The amount specified in subsection (c)(1).

4 (3) The amount specified in subsection (c)(2).

5 (4) The total amount of the contributions au-
6 thorized to be made under section 2501.

7 (c) AUTHORIZED AMOUNTS.—Amounts authorized to
8 be appropriated by titles II and III of this Act are avail-
9 able for contributions for the common-funded budgets of
10 NATO as follows:

11 (1) Of the amount provided in section 201(1),
12 \$743,000 for the Civil Budget.

13 (2) Of the amount provided in section 301(1),
14 \$194,400,000 for the Military Budget.

15 (d) DEFINITIONS.—For purposes of this section:

16 (1) COMMON-FUNDED BUDGETS OF NATO.—
17 The term “common-funded budgets of NATO”
18 means the Military Budget, the Security Investment
19 Program, and the Civil Budget of the North Atlantic
20 Treaty Organization (and any successor or addi-
21 tional account or program of NATO).

22 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—
23 The term “fiscal year 1998 baseline limitation”
24 means the maximum annual amount of Department
25 of Defense contributions for common-funded budgets

1 of NATO that is set forth as the annual limitation
2 in section 3(2)(C)(ii) of the resolution of the Senate
3 giving the advice and consent of the Senate to the
4 ratification of the Protocols to the North Atlantic
5 Treaty of 1949 on the Accession of Poland, Hun-
6 gary, and the Czech Republic (as defined in section
7 4(7) of that resolution), approved by the Senate on
8 April 30, 1998.

9 **SEC. 1004. ANNUAL OMB/CBO JOINT REPORT ON SCORING**
10 **OF BUDGET OUTLAYS.**

11 (a) REVISION OF SCOPE OF TECHNICAL ASSUMP-
12 TIONS.—Subsection (a)(1) of section 226 of title 10,
13 United States Code, is amended by inserting “subfunc-
14 tional category 051 (Department of Defense—Military)
15 under” before “major functional category 050”.

16 (b) TREATMENT OF DIFFERENCES IN OUTLAY
17 RATES AND ASSUMPTIONS.—(1) Subsection (b) of such
18 section is amended by striking “, the report shall reflect
19 the average of the relevant outlay rates or assumptions
20 used by the two offices.” and inserting “, the report shall
21 reflect the differences between the relevant outlay rates
22 or assumptions used by the two offices. For each account
23 for which a difference is reported, the report shall also
24 display, by fiscal year, each office’s estimates regarding
25 budget authority, outlay rates, and outlays.”.

1 (2) The heading for such subsection is amended to
2 read as follows: “DIFFERENCES IN OUTLAY RATES AND
3 ASSUMPTIONS.—”.

4 **SEC. 1005. PROMPT PAYMENT OF CONTRACT VOUCHERS.**

5 (a) REQUIREMENT.—(1) Chapter 131 of title 10,
6 United States Code, is amended by adding at the end the
7 following:

8 **“§ 2225. Prompt payment of vouchers for contracted**
9 **property and services**

10 “(a) REQUIREMENT.—Of the contract vouchers that
11 are received by the Defense Finance and Accounting Sys-
12 tem by means of the mechanization of contract adminis-
13 tration service, the number of such vouchers that remain
14 unpaid for more than 30 days as of the last day of each
15 month may not exceed 5 percent of the total number of
16 the contract vouchers so received that remain unpaid on
17 that day.

18 “(b) CONDITIONAL REQUIREMENT FOR REPORT.—
19 (1) For any month of a fiscal year that the requirement
20 in subsection (a) is not met, the Secretary of Defense shall
21 submit to Congress a report on the magnitude of the un-
22 paid contract vouchers. The report for a month shall be
23 submitted not later than 30 days after the end of that
24 month.

1 “(2) A report for a month under paragraph (1) shall
2 include information current as of the last day of the month
3 as follows:

4 “(A) The number of the vouchers received by
5 the Defense Finance and Accounting System by
6 means of the mechanization of contract administra-
7 tion service during each month.

8 “(B) The number of the vouchers so received,
9 whenever received by the Defense Finance and Ac-
10 counting System, that remain unpaid for each of the
11 following periods:

12 “(i) Not more than 30 days.

13 “(ii) Over 30 days and not more than 60
14 days.

15 “(iii) Over 60 days and not more than 90
16 days.

17 “(iv) More than 90 days.

18 “(C) The number of the vouchers so received
19 that remain unpaid for the major categories of pro-
20 curements, as defined by the Secretary of Defense.

21 “(D) The corrective actions that are necessary,
22 and those that are being taken, to ensure compliance
23 with the requirement in subsection (a).

24 “(c) CONTRACT VOUCHER DEFINED.—In this sec-
25 tion, the term ‘contract voucher’ means a voucher or in-

1 voice for the payment of a contractor for services, commer-
 2 cial items (as defined in section 4(12) of the Office of Fed-
 3 eral Procurement Policy Act (41 U.S.C. 403(12))), or
 4 other deliverable items provided by the contractor pursu-
 5 ant to a contract funded by the Department of Defense.”.

6 (2) The table of sections at the beginning of such
 7 chapter is amended by adding at the end the following:
 “2225. Prompt payment of vouchers for contracted property and services”.

8 (b) EFFECTIVE DATE.—Section 2225 of title 10,
 9 United States Code (as added by subsection (a)), shall
 10 take effect on December 1, 2000, and shall apply with re-
 11 spect to months beginning on or after that date.

12 **SEC. 1006. REPEAL OF CERTAIN REQUIREMENTS RELATING**
 13 **TO TIMING OF CONTRACT PAYMENTS.**

14 The following provisions of law are repealed: sections
 15 8175 and 8176 of the Department of Defense Appropria-
 16 tions Act, 2000 (Public Law 106–79), as amended by sec-
 17 tions 214 and 215, respectively, of H.R. 3425 of the 106th
 18 Congress (113 Stat. 1501A–297), as enacted into law by
 19 section 1000(a)(5) of Public Law 106–113.

20 **SEC. 1007. PLAN FOR PROMPT POSTING OF CONTRACTUAL**
 21 **OBLIGATIONS.**

22 (a) REQUIREMENT FOR PLAN.—The Secretary of De-
 23 fense shall submit to the congressional defense commit-
 24 tees, not later than November 15, 2000, and carry out
 25 a plan for ensuring that each obligation of the Department

1 of Defense under a transaction described in subsection (c)
2 is posted within 10 days after the obligation is incurred.

3 (b) CONTENT OF PLAN.—The plan for posting obli-
4 gations shall provide the following:

5 (1) Uniform posting requirements that are ap-
6 plicable throughout the Department of Defense, in-
7 cluding requirements for the posting of detailed data
8 on each obligation.

9 (2) A system of uniform accounting classifica-
10 tion reference numbers.

11 (3) Increased use of electronic means for the
12 submission of invoices and other billing documents.

13 (c) COVERED TRANSACTIONS.—The plan shall apply
14 to each liability of the Department of Defense for a pay-
15 ment under the following:

16 (1) A contract.

17 (2) An order issued under a contract.

18 (3) Services received under a contract.

19 (4) Any transaction that is similar to a trans-
20 action referred to in another paragraph of this sub-
21 section.

1 **SEC. 1008. PLAN FOR ELECTRONIC SUBMISSION OF DOCU-**
2 **MENTATION SUPPORTING CLAIMS FOR CON-**
3 **TRACT PAYMENTS.**

4 (a) REQUIREMENT FOR PLAN.—The Secretary of De-
5 fense shall submit to the congressional defense commit-
6 tees, not later than March 30, 2001, and carry out a plan
7 for ensuring that all documentation that is to be submitted
8 to the Department of Defense in support of claims for
9 payment under contracts is submitted electronically.

10 (b) CONTENT OF PLAN.—The plan shall include the
11 following:

12 (1) The format in which information can be ac-
13 cepted by the Defense Finance and Accounting Serv-
14 ice's corporate database.

15 (2) Procedures for electronic submission of the
16 following:

17 (A) Receiving reports.

18 (B) Contracts and contract modifications.

19 (C) Required certifications.

20 (3) The requirements to be included in con-
21 tracts regarding electronic submission of invoices by
22 contractors.

1 **SEC. 1009. ADMINISTRATIVE OFFSETS FOR OVERPAYMENT**
2 **OF TRANSPORTATION COSTS.**

3 (a) OFFSETS FOR OVERPAYMENTS OR LIQUIDATED
4 DAMAGES.—Section 2636 of title 10, United States Code,
5 is amended to read as follows:

6 **“§ 2636. Deductions from amounts due carriers**

7 “(a) AMOUNTS FOR LOSS OR DAMAGE.—An amount
8 deducted from an amount due a carrier shall be credited
9 as follows:

10 “(1) If deducted because of loss of or damage
11 to material in transit for a military department, to
12 the proper appropriation, account, or fund from
13 which the same or similar material may be replaced.

14 “(2) If deducted as an administrative offset for
15 an overpayment previously made to the carrier under
16 any Department of Defense contract for transpor-
17 tation services or as liquidated damages due under
18 any such contract, to the appropriation or account
19 from which payments for the transportation services
20 were made.

21 “(b) SIMPLIFIED OFFSET FOR COLLECTION OF
22 CLAIMS NOT IN EXCESS OF THE SIMPLIFIED ACQUISI-
23 TION THRESHOLD.—(1) In any case in which the total
24 amount of a claim for the recovery of overpayments or
25 liquidated damages under a contract described in sub-
26 section (a)(2) does not exceed the simplified acquisition

1 threshold, the Secretary of Defense or the Secretary con-
 2 cerned may exercise the authority to collect the claim by
 3 administrative offset under section 3716 of title 31 after
 4 providing the notice required by paragraph (1) of sub-
 5 section (a) of that section, but without regard to para-
 6 graphs (2), (3), and (4) of that subsection.

7 “(2) In this subsection, the term ‘simplified acquisi-
 8 tion threshold’ has the meaning given the term in section
 9 4(11) of the Office of Federal Procurement Policy Act (41
 10 U.S.C. 403(11)).”.

11 (b) CLERICAL AMENDMENT.—The item relating to
 12 such section in the table of sections at the beginning of
 13 chapter 157 of such title is amended to read as follows:

“2636. Deductions from amounts due carriers.”.

14 **Subtitle B—Counter-Drug** 15 **Activities**

16 **SEC. 1011. EXTENSION AND INCREASE OF AUTHORITY TO**
 17 **PROVIDE ADDITIONAL SUPPORT FOR**
 18 **COUNTER-DRUG ACTIVITIES.**

19 (a) EXTENSION OF AUTHORITY FOR ASSISTANCE TO
 20 COLOMBIA.—Section 1033 of the National Defense Au-
 21 thorization Act for Fiscal Year 1998 (Public Law 105–
 22 85; 111 Stat. 1881) is amended—

23 (1) in subsection (a), by striking “during fiscal
 24 years 1998 through 2002,”; and

25 (2) in subsection (b)—

1 (A) in paragraph (1), by inserting before
 2 the period at the end the following: “, for fiscal
 3 years 1998 through 2002”; and

4 (B) in paragraph (2), by inserting before
 5 the period at the end the following: “, for fiscal
 6 years 1998 through 2006’.

7 (b) ADDITIONAL TYPE OF SUPPORT.—Subsection (c)
 8 of such section is amended by adding at the end the fol-
 9 lowing:

10 “(4) The transfer of one light observation air-
 11 craft.”.

12 (c) INCREASED MAXIMUM ANNUAL AMOUNT OF SUP-
 13 PORT.—Subsection (e)(2) of such section is amended—

14 (1) by striking “\$20,000,000” and inserting
 15 “\$40,000,000”; and

16 (2) by striking “2002” and inserting “2006, of
 17 which not more than \$10,000,000 may be obligated
 18 or expended for any fiscal year for support for the
 19 counter-drug activities of the Government of Peru”.

20 **SEC. 1012. RECOMMENDATIONS ON EXPANSION OF SUP-**
 21 **PORT FOR COUNTER-DRUG ACTIVITIES.**

22 (a) REQUIREMENT FOR SUBMITTAL OF REC-
 23 OMMENDATIONS.—The Secretary of Defense shall submit
 24 to the Committees on Armed Services of the Senate and
 25 the House of Representatives, not later than February 1,

1 2001, the Secretary's recommendations regarding whether
2 expanded support for counter-drug activities should be au-
3 thorized under section 1033 of the National Defense Au-
4 thorization Act for Fiscal Year 1998 (Public Law 105-
5 85; 111 Stat. 1881) for the region that includes the coun-
6 tries that are covered by that authority on the date of the
7 enactment of this Act.

8 (b) CONTENT OF SUBMISSION.—The submission
9 under subsection (a) shall include the following:

10 (1) What, if any, additional countries should be
11 covered.

12 (2) What, if any, additional support should be
13 provided to covered countries, together with the rea-
14 sons for recommending the additional support.

15 (3) For each country recommended under para-
16 graph (1), a plan for providing support, including
17 the counter-drug activities proposed to be supported.

18 **SEC. 1013. REVIEW OF RIVERINE COUNTER-DRUG PRO-**
19 **GRAM.**

20 (a) REQUIREMENT FOR REVIEW.—The Secretary of
21 Defense shall review the riverine counter-drug program
22 supported under section 1033 of the National Defense Au-
23 thorization Act for Fiscal Year 1998 (Public Law 105-
24 85; 111 Stat. 1881).

(b) REPORT.—Not later than February 1, 2001, the Secretary shall submit a report on the riverine counter-drug program to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include, for each country receiving support under the riverine counter-drug program, the following:

(1) The Assistant Secretary’s assessment of the effectiveness of the program.

(2) A recommendation regarding which of the Armed Forces, units of the Armed Forces, or other organizations within the Department of Defense should be responsible for managing the program.

(c) DELEGATION OF AUTHORITY.—The Secretary shall require the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to carry out the responsibilities under this section.

Subtitle C—Strategic Forces

SEC. 1015. REVISED NUCLEAR POSTURE REVIEW.

(a) REQUIREMENT FOR REVIEW.—The Secretary of Defense, in consultation with the Secretary of Energy, shall conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years.

(b) ELEMENTS OF REVIEW.—The nuclear posture review shall include the following elements:

1 (1) The role of nuclear forces in United States
2 military strategy, planning, and programming.

3 (2) The policy requirements and objectives for
4 the United States to maintain a safe, reliable, and
5 credible nuclear deterrence posture.

6 (3) The relationship between United States nu-
7 clear deterrence policy, targeting strategy, and arms
8 control objectives.

9 (4) The levels and composition of the nuclear
10 delivery systems that will be required for imple-
11 menting the United States national and military
12 strategy, including any plans for replacing or modi-
13 fying existing systems.

14 (5) The nuclear weapons complex that will be
15 required for implementing the United States na-
16 tional and military strategy, including any plans to
17 modernize or modify the complex.

18 (6) The active and inactive nuclear weapons
19 stockpile that will be required for implementing the
20 United States national and military strategy, includ-
21 ing any plans for replacing or modifying warheads.

22 (c) REPORT TO CONGRESS.—The Secretary of De-
23 fense shall submit to Congress, in unclassified and classi-
24 fied forms as necessary, a report on the results of the nu-

1 clear posture review concurrently with the Quadrennial
2 Defense Review due in December 2001.

3 (d) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that, to clarify United States nuclear deterrence pol-
5 icy and strategy for the next 5 to 10 years, a revised nu-
6 clear posture review should be conducted and that such
7 review should be used as the basis for establishing future
8 United States arms control objectives and negotiating po-
9 sitions.

10 **SEC. 1016. PLAN FOR THE LONG-TERM SUSTAINMENT AND**
11 **MODERNIZATION OF UNITED STATES STRA-**
12 **TEGIC NUCLEAR FORCES.**

13 (a) REQUIREMENT FOR PLAN.—The Secretary of De-
14 fense, in consultation with the Secretary of Energy, shall
15 develop a long-range plan for the sustainment and mod-
16 ernization of United States strategic nuclear forces to
17 counter emerging threats and satisfy the evolving require-
18 ments of deterrence.

19 (b) ELEMENTS OF PLAN.—The plan specified under
20 subsection (a) shall include the Secretary's plans, if any,
21 for the sustainment and modernization of the following:

22 (1) Land-based and sea-based strategic ballistic
23 missiles, including any plans for developing replace-
24 ments for the Minuteman III intercontinental bal-
25 listic missile and the Trident II sea-launched bal-

1 listic missile and plans for common ballistic missile
 2 technology development

3 (2) Strategic nuclear bombers, including any
 4 plans for a B-2 follow-on, a B-52 replacement, and
 5 any new air-launched weapon systems.

6 (3) Appropriate warheads to outfit the strategic
 7 nuclear delivery systems referred to in paragraphs
 8 (1) and (2) to satisfy evolving military requirements.

9 (c) SUBMITTAL OF PLAN.—The plan specified under
 10 subsection (a) shall be submitted to Congress not later
 11 than April 15, 2001. The plan shall be submitted in un-
 12 classified and classified forms, as necessary.

13 **SEC. 1017. CORRECTION OF SCOPE OF WAIVER AUTHORITY**
 14 **FOR LIMITATION ON RETIREMENT OR DIS-**
 15 **MANTLEMENT OF STRATEGIC NUCLEAR DE-**
 16 **LIVERY SYSTEMS.**

17 Section 1302(b) of the National Defense Authoriza-
 18 tion Act for Fiscal Year 1998 (Public Law 105–85; 111
 19 Stat. 1948), as amended by section 1501(a) of the Na-
 20 tional Defense Authorization Act for Fiscal Year 2000
 21 (Public Law 106–65; 113 Stat. 806), is further amended
 22 by striking “the application of the limitation in effect
 23 under paragraph (1)(B) or (3) of subsection (a), as the
 24 case may be,” and inserting “the application of the limita-

1 tion in effect under subsection (a) to a strategic nuclear
2 delivery system”.

3 **SEC. 1018. REPORT ON THE DEFEAT OF HARDENED AND**
4 **DEEPLY BURIED TARGETS.**

5 (a) STUDY.—The Secretary of Defense shall, in con-
6 junction with the Secretary of Energy, conduct a study
7 relating to the defeat of hardened and deeply buried tar-
8 gets. Under the study, the Secretaries shall—

9 (1) review the requirements and current and fu-
10 ture plans for hardened and deeply buried targets
11 and agent defeat weapons concepts and activities;

12 (2) determine if those plans adequately address
13 all requirements;

14 (3) identify potential future hardened and deep-
15 ly buried targets and other related targets;

16 (4) determine what resources and research and
17 development efforts are needed to defeat the targets
18 identified under paragraph (3) as well as other
19 agent defeat requirements;

20 (5) assess both current and future options to
21 defeat hardened and deeply buried targets as well as
22 agent defeat weapons concepts, including any limited
23 research and development that may be necessary to
24 conduct such assessment; and

1 (6) determine the capability and cost of each
2 option.

3 (b) REPORT.—The Secretary of Defense shall submit
4 to the congressional defense committees a report on the
5 results of the study required by subsection (a) not later
6 than July 1, 2001.

7 **Subtitle D—Miscellaneous** 8 **Reporting Requirements**

9 **SEC. 1021. ANNUAL REPORT OF THE CHAIRMAN OF THE** 10 **JOINT CHIEFS OF STAFF ON COMBATANT** 11 **COMMAND REQUIREMENTS.**

12 (a) ADDITIONAL COMPONENT.—Section 153(d)(1) of
13 title 10, United States Code, is amended by adding at the
14 end the following:

15 “(C) The extent to which the future-years de-
16 fense program (under section 221 of this title) ad-
17 dresses the requirements on the consolidated lists.”.

18 (b) APPLICABILITY TO REPORTS AFTER FISCAL
19 YEAR 2000.—Subparagraph (C) of paragraph (1) of sec-
20 tion 153(d) of title 10, United States Code (as added by
21 subsection (a)), shall apply to reports submitted to Con-
22 gress under such section after fiscal year 2000.

1 **SEC. 1022. SEMIANNUAL REPORT ON JOINT REQUIRE-**
2 **MENTS OVERSIGHT COUNCIL.**

3 (a) SEMIANNUAL REPORT.—The Chairman of the
4 Joints Chiefs of Staff shall submit to the congressional
5 defense committees a semiannual report on the activities
6 of the Joint Requirements Oversight Council. The prin-
7 cipal purpose of the report is to inform the committees
8 of the progress made in the reforming and refocusing of
9 the Joint Requirements Oversight Council process during
10 the period covered by the report.

11 (b) CONTENT.—The report for a half of a fiscal year
12 shall include the following:

13 (1) A listing and justification for each of the
14 distinct capability areas selected by the Chairman of
15 the Joints Chiefs of Staff as being within the prin-
16 cipal domain of the Joint Requirements Oversight
17 Council.

18 (2) A listing of the joint requirements devel-
19 oped, considered, or approved within each of the ca-
20 pability areas.

21 (3) A listing and explanation of the decisions
22 made by the Joint Requirements Oversight Council,
23 together with a delineation of each decision that was
24 made in disagreement with a position advocated by
25 the Commander in Chief, United States Joint
26 Forces Command, as the chief proponent of the re-

1 requirements identified by the commanders of the uni-
2 fied and specified combatant commands.

3 (4) An assessment of the progress made in ele-
4 vating the Joint Requirements Oversight Council to
5 a more strategic focus on future war fighting re-
6 quirements, integration of requirements, and devel-
7 opment of overarching common architectures.

8 (5) A summation and assessment of the role
9 and impact of joint experimentation on the processes
10 and decisions for defining joint requirements, for de-
11 fining requirements of each of the Armed Forces in-
12 dividually, for managing acquisitions by Defense
13 Agencies, and for managing acquisitions by the mili-
14 tary departments.

15 (6) A description of any procedural actions that
16 have been taken to improve the Joint Requirements
17 Oversight Council.

18 (7) Any recommendations for legislation or for
19 providing additional resources that the Chairman
20 considers necessary in order fully to refocus and re-
21 form the processes of the Joint Requirements Over-
22 sight Council.

23 (c) DATES FOR SUBMISSION.—(1) The semiannual
24 report for the half of a fiscal year ending on March 31

1 of a year shall be submitted not later than August 31 of
2 that year.

3 (2) The semiannual report for the half of a fiscal year
4 ending on September 30 of a year shall be submitted not
5 later than February 28 of the following year.

6 (3) The first semiannual report shall be submitted
7 not later than February 28, 2001, and shall cover the last
8 half of fiscal year 2000.

9 **SEC. 1023. PREPAREDNESS OF MILITARY INSTALLATION**

10 **FIRST RESPONDERS FOR INCIDENTS INVOLV-**
11 **ING WEAPONS OF MASS DESTRUCTION.**

12 (a) REQUIREMENT FOR REPORT.—Not later than 90
13 days after the date of the enactment of this Act, the Sec-
14 retary of Defense shall submit to Congress a report on
15 the program of the Department of Defense to ensure the
16 preparedness of the first responders of the Department
17 of Defense for incidents involving weapons of mass de-
18 struction on installations of the Department of Defense.

19 (b) CONTENT OF REPORT.—The report shall include
20 the following:

21 (1) A detailed description of the overall pre-
22 paredness program.

23 (2) The schedule and costs associated with the
24 implementation of the program.

1 (3) The Department’s plan for coordinating the
 2 preparedness program with responders in the com-
 3 munities in the localities of the installations.

4 (4) The Department’s plan for promoting the
 5 interoperability of the equipment used by the instal-
 6 lation first responders referred to in subsection (a)
 7 with the equipment used by the first responders in
 8 those communities.

9 (c) DEFINITIONS.—In this section:

10 (1) The term “first responder” means an orga-
 11 nization responsible for responding to an incident in-
 12 volving a weapon of mass destruction.

13 (2) The term “weapon of mass destruction” has
 14 the meaning given that term in section 1403(1) of
 15 the Defense Against Weapons of Mass Destruction
 16 Act of 1996 (50 U.S.C. 2302(1)).

17 **SEC. 1024. DATE OF SUBMITTAL OF REPORTS ON SHORT-**
 18 **FALLS IN EQUIPMENT PROCUREMENT AND**
 19 **MILITARY CONSTRUCTION FOR THE RE-**
 20 **SERVE COMPONENTS IN FUTURE-YEARS DE-**
 21 **FENSE PROGRAMS.**

22 Section 10543(c) of title 10, United States Code, is
 23 amended by adding at the end the following new para-
 24 graph:

1 “(3) A report required under paragraph (1) for a fis-
2 cal year shall be submitted not later than 15 days after
3 the date on which the President submits to Congress the
4 budget for such fiscal year under section 1105(a) of title
5 31.”.

6 **SEC. 1025. MANAGEMENT REVIEW OF DEFENSE LOGISTICS**

7 **AGENCY.**

8 (a) COMPTROLLER GENERAL REVIEW REQUIRED.—
9 The Comptroller General shall review each operation of
10 the Defense Logistics Agency—

11 (1) to assess—

12 (A) the efficiency of the operation;

13 (B) the effectiveness of the operation in
14 meeting customer requirements; and

15 (C) the flexibility of the operation to adopt
16 best business practices; and

17 (2) to identify alternative approaches for im-
18 proving the operations of the agency.

19 (b) REPORT.—Not later than February 1, 2002, the
20 Comptroller General shall submit to the Committees on
21 Armed Services of the Senate and the House of Represent-
22 atives 1 or more reports setting forth the Comptroller
23 General’s findings resulting from the review.

1 **SEC. 1026. MANAGEMENT REVIEW OF DEFENSE INFORMA-**
2 **TION SYSTEMS AGENCY.**

3 (a) COMPTROLLER GENERAL REVIEW REQUIRED.—

4 The Comptroller General shall review each operation of
5 the Defense Information Systems Agency—

6 (1) to assess—

7 (A) the efficiency of the operation;

8 (B) the effectiveness of the operation in
9 meeting customer requirements; and

10 (C) the flexibility of the operation to adopt
11 best business practices; and

12 (2) to identify alternative approaches for im-
13 proving the information systems of the Department
14 of Defense.

15 (b) REPORT.—Not later than February 1, 2002, the
16 Comptroller General shall submit to the Committees on
17 Armed Services of the Senate and the House of Represent-
18 atives one or more reports setting forth the Comptroller
19 General’s findings resulting from the review.

20 **Subtitle E—Information Security**

21 **SEC. 1041. INSTITUTE FOR DEFENSE COMPUTER SECURITY**
22 **AND INFORMATION PROTECTION.**

23 (a) ESTABLISHMENT.—The Secretary of Defense
24 shall establish an Institute for Defense Computer Security
25 and Information Protection.

1 (b) MISSION.—The Secretary shall require the
2 institute—

3 (1) to conduct research and technology develop-
4 ment that is relevant to foreseeable computer and
5 network security requirements and information as-
6 surance requirements of the Department of Defense
7 with a principal focus on areas not being carried out
8 by other organizations in the private or public sec-
9 tor; and

10 (2) to facilitate the exchange of information re-
11 garding cyberthreats, technology, tools, and other
12 relevant issues between government and nongovern-
13 ment organizations and entities.

14 (c) CONTRACTOR OPERATION.—The Secretary shall
15 enter into a contract with a not-for-profit entity or consor-
16 tium of not-for-profit entities to organize and operate the
17 institute. The Secretary shall use competitive procedures
18 for the selection of the contractor to the extent determined
19 necessary by the Secretary.

20 (d) FUNDING.—Of the amounts authorized to be ap-
21 propriated under section 301(5), \$10,000,000 shall be
22 available for the Institute for Defense Computer Security
23 and Information Protection.

1 (e) REPORT.—Not later than April 1, 2001, the Sec-
 2 retary shall submit to the congressional defense commit-
 3 tees the Secretary’s plan for implementing this section.

4 **SEC. 1042. INFORMATION SECURITY SCHOLARSHIP PRO-**
 5 **GRAM.**

6 (a) ESTABLISHMENT OF PROGRAM.—(1) Part III of
 7 subtitle A of title 10, United States Code, is amended by
 8 adding at the end the following:

9 **“CHAPTER 112—OTHER EDUCATIONAL**
 10 **ASSISTANCE PROGRAMS**

“Sec.

“2200. Information security scholarship program.

11 **“§ 2200. Information security scholarship program**

12 “(a) ESTABLISHMENT.—To encourage the recruit-
 13 ment and retention of Department of Defense personnel
 14 who have the computer and network security skills nec-
 15 essary to meet Department of Defense information assur-
 16 ance requirements, the Secretary of Defense may establish
 17 a program to provide educational assistance in accordance
 18 with this section to persons pursuing a program of edu-
 19 cation in disciplines relevant to those requirements.

20 “(b) ELIGIBLE PERSONS.—The Secretary may pro-
 21 vide educational assistance under the program for pursuit
 22 of a baccalaureate or advanced degree in a discipline re-
 23 ferred to in subsection (a) at an institution of higher edu-

1 cation by a person entering into an agreement with the
2 Secretary of Defense as described in subsection (c).

3 “(c) SERVICE AGREEMENT.—(1) To receive edu-
4 cational assistance under this section—

5 “(A) a member of the armed forces shall enter
6 into an agreement to serve on active duty in the
7 member’s armed force for the period of obligated
8 service determined under paragraph (2);

9 “(B) an employee of the Department of De-
10 fense shall enter into an agreement to continue in
11 the employment of the department for the period of
12 obligated service determined under paragraph (2);
13 and

14 “(C) a person not referred to in subparagraph
15 (A) or (B) shall enter into an agreement—

16 “(i) to enlist or accept a commission in one
17 of the armed forces and to serve on active duty
18 in that armed force for the period of obligated
19 service determined under paragraph (2); or

20 “(ii) to accept and continue employment in
21 the Department of Defense for the period of ob-
22 ligated service determined under paragraph (2).

23 “(2) For the purposes of this subsection, the period
24 of obligated service for a recipient of educational assist-
25 ance under this section is one year for each academic year

1 (or fraction thereof) for which educational assistance is
2 provided. The period of obligated service is in addition to
3 any other period for which the recipient is obligated to
4 serve on active duty or in the civil service, as the case
5 may be.

6 “(3) An agreement entered into under this section by
7 a person pursuing an academic degree shall include
8 clauses that provide the following:

9 “(A) That the period of obligated service begins
10 on a date after the award of the degree that is de-
11 termined under the regulations prescribed under
12 subsection (g).

13 “(B) That the person will maintain satisfactory
14 academic progress, as determined in accordance with
15 the regulations prescribed under subsection (g), and
16 that failure to maintain such progress constitutes
17 grounds for termination of the educational assist-
18 ance provided the person under this section.

19 “(C) Any other terms and conditions that the
20 Secretary of Defense determines appropriate for car-
21 rying out this section.

22 “(d) AMOUNT OF ASSISTANCE.—The amount of the
23 educational assistance provided for a person under this
24 section shall be the amount determined by the Secretary
25 of Defense as being necessary to pay all educational ex-

1 penses incurred by that person, including tuition, fees,
2 books, and laboratory expenses, but not including expenses
3 for room and board. The expense paid, however, shall be
4 limited to those educational expenses normally incurred by
5 students at the institution of higher education involved.

6 “(e) REFUND FOR PERIOD OF UNSERVED OBLI-
7 GATED SERVICE.—(1) A person who voluntarily termi-
8 nates service before the end of the period of obligated serv-
9 ice required under an agreement entered into under sub-
10 section (c) shall refund to the United States an amount
11 that bears the same ratio to the amount of the educational
12 assistance paid for the person as the unserved part of such
13 period bears to the total period.

14 “(2) An obligation to reimburse the United States
15 imposed under paragraph (1) is for all purposes a debt
16 owed to the United States.

17 “(3) The Secretary of Defense may waive, in whole
18 or in part, a refund required under paragraph (1) if the
19 Secretary determines that recovery would be against eq-
20 uity and good conscience or would be contrary to the best
21 interests of the United States.

22 “(f) EFFECT OF DISCHARGE IN BANKRUPTCY.—A
23 discharge in bankruptcy under title 11 that is entered less
24 than 5 years after the termination of an agreement under
25 this section does not discharge the person signing such

1 agreement from a debt arising under such agreement or
 2 under subsection (e).

3 “(g) REGULATIONS.—The Secretary of Defense shall
 4 prescribe regulations for the administration of any pro-
 5 gram established under this section.

6 “(h) INAPPLICABILITY TO COAST GUARD.—This sec-
 7 tion does not apply to the Coast Guard when it is not
 8 operating as a service in the Navy.

9 “(i) DEFINITIONS.—In this section:

10 “(1) The term ‘information assurance’ includes
 11 the following:

12 “(A) Computer security.

13 “(B) Network security.

14 “(C) Any other information technology
 15 that the Secretary of Defense considers related
 16 to information assurance.

17 “(2) The term ‘institution of higher education’
 18 has the meaning given the term in section 101 of the
 19 Higher Education Act of 1965 (20 U.S.C. 1001).”.

20 (2) The tables of chapters at the beginning of subtitle
 21 A of title 10, United States Code, and the beginning of
 22 part III of such subtitle are amended by inserting after
 23 the item relating to chapter 111 the following:

“112. Other Educational Assistance Programs 2200”.

24 (b) FUNDING.—Of the amount authorized to be ap-
 25 propriated under section 301(5), \$20,000,000 shall be

1 available for carrying out an information security scholar-
 2 ship program under section 2200 of title 10, United States
 3 Code (as added by subsection (a)).

4 (c) REPORT.—Not later than April 1, 2001, the Sec-
 5 retary of Defense shall submit to the congressional defense
 6 committees a plan for implementing an information secu-
 7 rity scholarship program under section 2200 of title 10,
 8 United States Code.

9 **SEC. 1043. PROCESS FOR PRIORITIZING BACKGROUND IN-**
 10 **VESTIGATIONS FOR SECURITY CLEARANCES**
 11 **FOR DEPARTMENT OF DEFENSE PERSONNEL.**

12 (a) ESTABLISHMENT OF PROCESS.—Chapter 80 of
 13 title 10, United States Code, is amended by adding at the
 14 end the following:

15 **“§ 1563. Security clearance investigations**

16 “(a) EXPEDITED PROCESS.—The Secretary of De-
 17 fense shall prescribe a process for expediting the comple-
 18 tion of the background investigations necessary for grant-
 19 ing security clearances for Department of Defense per-
 20 sonnel who are engaged in sensitive duties that are critical
 21 to the national security.

22 “(b) REQUIRED FEATURES.—The process developed
 23 under subsection (a) shall provide for the following:

24 “(1) Quantification of the requirements for
 25 background investigations necessary for grants of se-

1 security clearances for Department of Defense per-
2 sonnel.

3 “(2) Categorization of personnel on the basis of
4 the degree of sensitivity of their duties and the ex-
5 tent to which those duties are critical to the national
6 security.

7 “(3) Prioritization of the processing of back-
8 ground investigations on the basis of the categories
9 of personnel.

10 “(c) ANNUAL REVIEW.—The Secretary shall review,
11 each year, the process prescribed under subsection (a) and
12 shall revise it as determined necessary in relation to ongo-
13 ing Department of Defense missions.

14 “(d) CONSULTATION REQUIREMENT.—The Secretary
15 shall consult with the Secretaries of the military depart-
16 ments and the heads of Defense Agencies in carrying out
17 this section.

18 “(e) SENSITIVE DUTIES.—For the purposes of this
19 section, it is not necessary for the performance of duties
20 to involve classified activities or classified matters in order
21 for the duties to be considered sensitive and critical to the
22 national security.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of such chapter is amended by adding
25 at the end the following:

“1563. Security clearance investigations.”.

1 **SEC. 1044. AUTHORITY TO WITHHOLD CERTAIN SENSITIVE**
2 **INFORMATION FROM PUBLIC DISCLOSURE.**

3 (a) IN GENERAL.—Chapter 3 of title 10, United
4 States Code, is amended by inserting after section 130b
5 the following new section:

6 **“§ 130c. Nondisclosure of information: certain sen-**
7 **sitive information of foreign governments**
8 **and international organizations**

9 “(a) EXEMPTION FROM DISCLOSURE.—The national
10 security official concerned (as defined in subsection (g))
11 may withhold from public disclosure otherwise required by
12 law sensitive information of foreign governments in ac-
13 cordance with this section.

14 “(b) INFORMATION ELIGIBLE FOR EXEMPTION.—
15 For the purposes of this section, information is sensitive
16 information of a foreign government only if the national
17 security official concerned makes each of the following de-
18 terminations with respect to the information:

19 “(1) That the information was provided by, oth-
20 erwise made available by, or produced in cooperation
21 with, a foreign government or international organi-
22 zation.

23 “(2) That the foreign government or inter-
24 national organization is withholding the information
25 from public disclosure (relying for that determina-

1 tion on the written representation of the foreign gov-
2 ernment or international organization to that effect).

3 “(3) That any of the following conditions are
4 met:

5 “(A) The foreign government or inter-
6 national organization requests, in writing, that
7 the information be withheld.

8 “(B) The information was provided or
9 made available to the United States Govern-
10 ment on the condition that it not be released to
11 the public.

12 “(C) The information is an item of infor-
13 mation, or is in a category of information, that
14 the national security official concerned has
15 specified in regulations prescribed under sub-
16 section (f) as being information the release of
17 which would have an adverse effect on the abil-
18 ity of the United States Government to obtain
19 the same or similar information in the future.

20 “(c) INFORMATION OF OTHER AGENCIES.—If the na-
21 tional security official concerned provides to the head of
22 another agency sensitive information of a foreign govern-
23 ment, as determined by that national security official
24 under subsection (b), and informs the head of the other
25 agency of that determination, then the head of the other

1 agency shall withhold the information from any public dis-
2 closure unless that national security official specifically
3 authorizes the disclosure.

4 “(d) LIMITATIONS.—(1) If a request for disclosure
5 covers any sensitive information of a foreign government
6 (as described in subsection (b)) that came into the posses-
7 sion or under the control of the United States Government
8 before the date of the enactment of the National Defense
9 Authorization Act for Fiscal Year 2001 and more than
10 25 years before the request is received by an agency, the
11 information may be withheld only as set forth in para-
12 graph (3).

13 “(2)(A) If a request for disclosure covers any sen-
14 sitive information of a foreign government (as described
15 in subsection (b)) that came into the possession or under
16 the control of the United States Government on or after
17 the date referred to in paragraph (1), the authority to
18 withhold the information under this section is subject to
19 the provisions of subparagraphs (B) and (C).

20 “(B) Information referred to in subparagraph (A)
21 may not be withheld under this section after—

22 “(i) the date that is specified by a foreign gov-
23 ernment or international organization in a request
24 or expression of a condition described in paragraph
25 (1) or (2) of subsection (b) that is made by the for-

1 eign government or international organization con-
2 cerning the information; or

3 “(ii) if there are more than one such foreign
4 governments or international organizations, the lat-
5 est date so specified by any of them.

6 “(C) If no date is applicable under subparagraph (B)
7 to a request referred to in subparagraph (A) and the infor-
8 mation referred to in that subparagraph came into posses-
9 sion or under the control of the United States more than
10 10 years before the date on which the request is received
11 by an agency, the information may be withheld under this
12 section only as set forth in paragraph (3).

13 “(3) Information referred to in paragraph (1) or
14 (2)(C) may be withheld under this section in the case of
15 a request for disclosure only if, upon the notification of
16 each foreign government and international organization
17 concerned in accordance with the regulations prescribed
18 under subsection (g)(2), any such government or organiza-
19 tion requests in writing that the information not be dis-
20 closed for an additional period stated in the request of
21 that government or organization. After the national secu-
22 rity official concerned considers the request of the foreign
23 government or international organization, the official shall
24 designate a later date as the date after which the informa-
25 tion is not to be withheld under this section. The later

1 date may be extended in accordance with a later request
2 of any such foreign government or international organiza-
3 tion under this paragraph.

4 “(e) INFORMATION PROTECTED UNDER OTHER AU-
5 THORITY.—This section does not apply to information or
6 matters that are specifically required in the interest of na-
7 tional defense or foreign policy to be protected against un-
8 authorized disclosure under criteria established by an Ex-
9 ecutive order and are classified, properly, at the confiden-
10 tial, secret, or top secret level pursuant to such Executive
11 order.

12 “(f) DISCLOSURES NOT AFFECTED.—Nothing in this
13 section shall be construed to authorize any official to with-
14 hold, or to authorize the withholding of, information from
15 the following:

16 “(1) Congress.

17 “(2) The Comptroller General, unless the infor-
18 mation relates to activities that the President des-
19 ignates as foreign intelligence or counterintelligence
20 activities.

21 “(g) REGULATIONS.—(1) The national security offi-
22 cials referred to in subsection (h)(1) shall each prescribe
23 regulations to carry out this section. The regulations shall
24 include criteria for making the determinations required
25 under subsection (b). The regulations may provide for con-

1 trols on access to and use of, and special markings and
2 specific safeguards for, a category or categories of infor-
3 mation subject to this section.

4 “(2) The regulations shall include procedures for no-
5 tifying and consulting with each foreign government or
6 international organization concerned about requests for
7 disclosure of information to which this section applies.

8 “(h) DEFINITIONS.—In this section:

9 “(1) The term ‘national security official con-
10 cerned’ means the following:

11 “(A) The Secretary of Defense, with re-
12 spect to information of concern to the Depart-
13 ment of Defense, as determined by the Sec-
14 retary.

15 “(B) The Secretary of Transportation,
16 with respect to information of concern to the
17 Coast Guard, as determined by the Secretary,
18 but only while the Coast Guard is not operating
19 as a service in the Navy.

20 “(C) The Secretary of Energy, with re-
21 spect to information concerning the national se-
22 curity programs of the Department of Energy,
23 as determined by the Secretary.

24 “(2) The term ‘agency’ has the meaning given
25 that term in section 552(f) of title 5.

1 “(3) The term ‘international organization’
2 means the following:

3 “(A) A public international organization
4 designated pursuant to section 1 of the Inter-
5 national Organizations Immunities Act (59
6 Stat. 669; 22 U.S.C. 288) as being entitled to
7 enjoy the privileges, exemptions, and immuni-
8 ties provided in such Act.

9 “(B) A public international organization
10 created pursuant to a treaty or other inter-
11 national agreement as an instrument through
12 or by which two or more foreign governments
13 engage in some aspect of their conduct of inter-
14 national affairs.

15 “(C) An official mission, except a United
16 States mission, to a public international organi-
17 zation referred to in subparagraph (A) or (B).”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by inserting
20 after the item relating to section 130b the following new
21 item:

“130e. Nondisclosure of information: certain sensitive information of foreign
governments and international organizations.”.

1 **SEC. 1045. PROTECTION OF OPERATIONAL FILES OF THE**
2 **DEFENSE INTELLIGENCE AGENCY.**

3 (a) AUTHORITY.—Subchapter I of chapter 21 of title
4 10, United States Code, is amended by adding at the end
5 the following:

6 **“§ 426. Protection of sensitive information: oper-**
7 **ational files of the Defense Intelligence**
8 **Agency**

9 “(a) AUTHORITY TO WITHHOLD OPERATIONAL
10 FILES.—The Secretary of Defense may withhold from
11 public disclosure operational files described in subsection
12 (b) to the same extent that operational files may be with-
13 held under section 701 of the National Security Act of
14 1947 (50 U.S.C. 431), subject to judicial review under the
15 same circumstances and to the same extent as is provided
16 in subsection (f) of such section.

17 “(b) DECENNIAL REVIEW OF EXEMPTED OPER-
18 ATIONAL FILES.—Section 702 of the National Security
19 Act of 1947 (50 U.S.C. 432), setting forth requirements
20 for decennial review of exemptions from public disclosure
21 and related provisions for judicial review shall apply with
22 respect to the exemptions from public disclosure that are
23 in force under subsection (a), subject to the following re-
24 quirements:

25 “(1) The Secretary of Defense shall conduct the
26 decennial review under this subsection.

1 “(2) In the application of the judicial review
2 provisions under subsection (c) of such section
3 702—

4 “(A) the references to the Central Intel-
5 ligence Agency shall be deemed to refer to the
6 Secretary of Defense; and

7 “(B) the reference in paragraph (1) of that
8 subsection to the period for the first review
9 shall be deemed to refer to the 10-year period
10 beginning on the day after the date of the en-
11 actment of the National Defense Authorization
12 Act for Fiscal Year 2001.

13 “(c) OPERATIONAL FILES DEFINED.—In this sec-
14 tion, the term ‘operational files’ has the meaning given
15 that term in section 701(b) of the National Security Act
16 of 1947 (50 U.S.C. 431(b)), except that the references to
17 elements of the Central Intelligence Agency do not
18 apply.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such subchapter is amended by adding
21 at the end the following:

“426. Protection of sensitive information: operational files of the Defense Intel-
ligence Agency.”.

Subtitle F—Other Matters

SEC. 1051. COMMEMORATION OF THE FIFTIETH ANNIVERSARY OF THE UNIFORM CODE OF MILITARY JUSTICE.

(a) FINDINGS.—Congress makes the following findings:

(1) The American military justice system predates the United States itself, having had a continuous existence since the enactment of the first American Articles of War by the Continental Congress in 1775.

(2) Pursuant to article I of the Constitution, which explicitly empowers Congress “To make Rules for the Government and Regulation of the land and naval Forces”, Congress enacted the Articles of War and an Act to Govern the Navy, which were revised on several occasions between the ratification of the Constitution and the end of World War II.

(3) Dissatisfaction with the administration of military justice in World War I and World War II led both to significant statutory reforms in the Articles of War and to the convening of a committee, under Department of Defense auspices, to draft a uniform code of military justice applicable to all of the Armed Forces.

1 (4) The committee, chaired by Professor Ed-
2 mund M. Morgan of Harvard Law School, made rec-
3 ommendations that formed the basis of bills intro-
4 duced in Congress to establish such a uniform code
5 of military justice.

6 (5) After lengthy hearings and debate on the
7 congressional proposals, the Uniform Code of Mili-
8 tary Justice was enacted into law on May 5, 1950,
9 when President Harry S. Truman signed the legisla-
10 tion.

11 (6) President Truman then issued a revised
12 Manual for Courts-Martial implementing the new
13 code, and the code became effective on May 31,
14 1951.

15 (7) One of the greatest innovations of the Uni-
16 form Code of Military Justice was the establishment
17 of a civilian court of appeals within the military jus-
18 tice system. That court, the United States Court of
19 Military Appeals (now the United States Court of
20 Appeals for the Armed Forces), held its first session
21 on July 25, 1951.

22 (8) Congress enacted major revisions of the
23 Uniform Code of Military Justice in 1968 and 1983
24 and, in addition, has amended the code from time to
25 time over the years as practice under the code indi-

1 cated a need for updating the substance or proce-
2 dure of the law of military justice.

3 (9) The evolution of the system of military jus-
4 tice under the Uniform Code of Military Justice may
5 be traced in the decisions of the Courts of Criminal
6 Appeals of each of the Armed Forces and the deci-
7 sions of the United States Court of Appeals for the
8 Armed Forces. These courts have produced a unique
9 body of jurisprudence upon which commanders and
10 judge advocates rely in the performance of their du-
11 ties.

12 (10) It is altogether fitting that the fiftieth an-
13 niversary of the Uniform Code of Military Justice be
14 duly commemorated.

15 (b) COMMEMORATION.—The Congress—

16 (1) requests the President to issue a proclama-
17 tion commemorating the fiftieth anniversary of the
18 Uniform Code of Military Justice; and

19 (2) calls upon the Department of Defense, the
20 Armed Forces, and the United States Court of Ap-
21 peals for the Armed Forces to commemorate the oc-
22 casion with ceremonies and activities befitting its
23 importance.

1 **SEC. 1052. TECHNICAL CORRECTIONS.**

2 (a) THRESHOLD DATE FOR EFFECTIVENESS OF
 3 AGREEMENTS TO MAKE AN SBP ELECTION.—(1) Section
 4 657(a)(1)(A) of the National Defense Authorization Act
 5 for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 668;
 6 10 U.S.C. 1450 note) is amended by striking “August 21,
 7 1983” and inserting “August 19, 1983”.

8 (2) The amendment made by paragraph (1) shall
 9 take effect as of October 5, 1999, and shall apply as if
 10 included in section 657(a)(1)(A) of Public Law 106–65
 11 on that date.

12 (b) STATE OF INCORPORATION OF FLEET RESERVE
 13 ASSOCIATION.—Sections 70102(a) and 70108(a) of title
 14 36, United States Code, are amended by striking “Dela-
 15 ware” and inserting “Pennsylvania”.

16 **SEC. 1053. ELIGIBILITY OF DEPENDENTS OF AMERICAN**
 17 **RED CROSS EMPLOYEES FOR ENROLLMENT**
 18 **IN DEPARTMENT OF DEFENSE DOMESTIC DE-**
 19 **PENDENT SCHOOLS IN PUERTO RICO.**

20 Section 2164 of title 10, United States Code, is
 21 amended by adding at the end the following:

22 “(i) AMERICAN RED CROSS EMPLOYEE DEPEND-
 23 ENTS IN PUERTO RICO.—(1) The Secretary of Defense
 24 may authorize a dependent of an employee of the Amer-
 25 ican Red Cross performing armed forces emergency serv-
 26 ices in Puerto Rico to enroll in an educational program

1 provided by the Secretary pursuant to subsection (a) in
2 Puerto Rico.

3 “(2) In determining the dependency status of any
4 person for the purposes of paragraph (1), the Secretary
5 shall apply the same definitions as apply to the determina-
6 tion of such status with respect to Federal employees in
7 the administration of this section.

8 “(3) The Secretary shall be paid for the educational
9 services and related items provided to a student under
10 paragraph (1). To determine the amount for educational
11 services, the Secretary shall allocate to the student a
12 share, considered appropriate by the Secretary, of the
13 costs of providing the educational program in which the
14 student is enrolled. The Secretary shall enter into such
15 agreements or take such other actions as the Secretary
16 determines necessary to ensure that the payments re-
17 quired under this paragraph are made.”.

18 **SEC. 1054. GRANTS TO AMERICAN RED CROSS FOR ARMED**
19 **FORCES EMERGENCY SERVICES.**

20 (a) GRANTS AUTHORIZED.—The Secretary of De-
21 fense may, subject to subsection (b), make a grant to the
22 American Red Cross of up to \$9,400,000 in each of fiscal
23 years 2001, 2002, and 2003 for the support of the Armed
24 Forces Emergency Services program of the American Red
25 Cross.

1 (b) MATCHING REQUIREMENT.—A grant may not be
2 made for a fiscal year under subsection (a) until the Sec-
3 retary receives from the American Red Cross a certifi-
4 cation providing assurances satisfactory to the Secretary
5 that the American Red Cross will expend for the Armed
6 Forces Emergency Services program for that fiscal year
7 funds, derived from sources other than the Federal Gov-
8 ernment, in a total amount that equals or exceeds the
9 amount of the grant.

10 (c) FUNDING.—Of the amount authorized to be ap-
11 propriated by section 301 for operation and maintenance
12 for Defense-wide activities, \$9,400,000 shall be available
13 for grants made under this section.

14 **SEC. 1055. TRANSIT PASS PROGRAM FOR CERTAIN DEPART-**
15 **MENT OF DEFENSE PERSONNEL.**

16 (a) ESTABLISHMENT OF PROGRAM.—To encourage
17 Department of Defense personnel in areas described in
18 subsection (b) to use means other than single-occupancy
19 motor vehicles to commute to or from work, the Secretary
20 of Defense shall exercise the authority provided in section
21 7905 of title 5, United States Code, to establish a program
22 to provide the personnel in such areas with a transit pass
23 benefit under subsection (b)(2)(A) of such section.

24 (b) COVERED AREAS.—The Secretary shall establish
25 the program required by subsection (a) in the areas which

1 do not meet the revised national ambient air quality stand-
 2 ards under section 109 of the Clean Air Act (42 U.S.C.
 3 7409).

4 (c) TIME FOR IMPLEMENTATION.—The Secretary
 5 shall prescribe the effective date for the program required
 6 under subsection (a). The effective date so prescribed may
 7 not be later than the first day of the first month that be-
 8 gins on or after the date that is 180 days after the date
 9 of the enactment of this Act.

10 **SEC. 1056. FEES FOR PROVIDING HISTORICAL INFORMA-**
 11 **TION TO THE PUBLIC.**

12 (a) ARMY.—(1) Chapter 437 of title 10, United
 13 States Code, is amended by adding at the end the fol-
 14 lowing:

15 **“§ 4595. Army Military History Institute: fee for pro-**
 16 **viding historical information to the pub-**
 17 **lic**

18 “(a) AUTHORITY.—Except as provided in subsection
 19 (b), the Secretary of the Army may charge a person a fee
 20 for providing the person with information from the United
 21 States Army Military History Institute that is requested
 22 by that person.

23 “(b) EXCEPTIONS.—A fee may not be charged under
 24 this section—

1 “(1) to a person for information that the person
2 requests to carry out a duty as a member of the
3 armed forces or an officer or employee of the United
4 States; or

5 “(2) for a release of information under section
6 552 of title 5.

7 “(c) LIMITATION ON AMOUNT.—A fee charged for
8 providing information under this section may not exceed
9 the cost of providing the information.

10 “(d) RETENTION OF FEES.—Amounts received under
11 subsection (a) for providing information in any fiscal year
12 shall be credited to the appropriation or appropriations
13 charged the costs of providing information to the public
14 from the United States Army Military History Institute
15 during that fiscal year.

16 “(e) DEFINITIONS.—In this section:

17 “(1) The term ‘United States Army Military
18 History Institute’ means the archive for historical
19 records and materials of the Army that the Sec-
20 retary of the Army designates as the primary ar-
21 chive for such records and materials.

22 “(2) The terms ‘officer of the United States’
23 and ‘employee of the United States’ have the mean-
24 ings given the terms ‘officer’ and ‘employee’, respec-

1 tively, in sections 2104 and 2105, respectively, of
 2 title 5.”.

3 (2) The table of sections at the beginning of such
 4 chapter is amended by adding at the end the following:

“4595. Army Military History Institute: fee for providing historical information
 to the public.”.

5 (b) NAVY.—(1) Chapter 649 of such title 10 is
 6 amended by adding at the end the following new section:

7 **“§ 7582. Naval and Marine Corps Historical Centers:**
 8 **fee for providing historical information**
 9 **to the public**

10 “(a) AUTHORITY.—Except as provided in subsection
 11 (b), the Secretary of the Navy may charge a person a fee
 12 for providing the person with information from the United
 13 States Naval Historical Center or the Marine Corps His-
 14 torical Center that is requested by that person.

15 “(b) EXCEPTIONS.—A fee may not be charged under
 16 this section—

17 “(1) to a person for information that the person
 18 requests to carry out a duty as a member of the
 19 armed forces or an officer or employee of the United
 20 States; or

21 “(2) for a release of information under section
 22 552 of title 5.

1 “(c) LIMITATION ON AMOUNT.—A fee charged for
2 providing information under this section may not exceed
3 the cost of providing the information.

4 “(d) RETENTION OF FEES.—Amounts received under
5 subsection (a) for providing information from the United
6 States Naval Historical Center or the Marine Corps His-
7 torical Center in any fiscal year shall be credited to the
8 appropriation or appropriations charged the costs of pro-
9 viding information to the public from that historical center
10 during that fiscal year.

11 “(e) DEFINITIONS.—In this section:

12 “(1) The term ‘United States Naval Historical
13 Center’ means the archive for historical records and
14 materials of the Navy that the Secretary of the Navy
15 designates as the primary archive for such records
16 and materials.

17 “(2) The term ‘Marine Corps Historical Center’
18 means the archive for historical records and mate-
19 rials of the Marine Corps that the Secretary of the
20 Navy designates as the primary archive for such
21 records and materials.

22 “(3) The terms ‘officer of the United States’
23 and ‘employee of the United States’ have the mean-
24 ings given the terms ‘officer’ and ‘employee’, respec-

1 tively, in sections 2104 and 2105, respectively, of
 2 title 5.”.

3 (2) The heading of such chapter is amended by strik-
 4 ing “**RELATED**”.

5 (3)(A) The table of sections at the beginning of such
 6 chapter is amended by adding at the end the following
 7 new item:

“7582. Naval and Marine Corps Historical Centers: fee for providing historical
 information to the public.”.

8 (B) The item relating to such chapter in the tables
 9 of chapters at the beginning of subtitle C of title 10,
 10 United States Code, and the beginning of part IV of such
 11 subtitle is amended by striking out “Related”.

12 (c) AIR FORCE.—(1) Chapter 937 of title 10, United
 13 States Code, is amended by adding at the end the fol-
 14 lowing new section:

15 **“§ 9594. Air Force Military History Institute: fee for**
 16 **providing historical information to the**
 17 **public**

18 “(a) AUTHORITY.—Except as provided in subsection
 19 (b), the Secretary of the Air Force may charge a person
 20 a fee for providing the person with information from the
 21 United States Air Force Military History Institute that
 22 is requested by that person.

23 “(b) EXCEPTIONS.—A fee may not be charged under
 24 this section—

1 “(1) to a person for information that the person
2 requests to carry out a duty as a member of the
3 armed forces or an officer or employee of the United
4 States; or

5 “(2) for a release of information under section
6 552 of title 5.

7 “(c) LIMITATION ON AMOUNT.—A fee charged for
8 providing information under this section may not exceed
9 the cost of providing the information.

10 “(d) RETENTION OF FEES.—Amounts received under
11 subsection (a) for providing information in any fiscal year
12 shall be credited to the appropriation or appropriations
13 charged the costs of providing information to the public
14 from the United States Air Force Military History Insti-
15 tute during that fiscal year.

16 “(e) DEFINITIONS.—In this section:

17 “(1) The term ‘United States Air Force Mili-
18 tary History Institute’ means the archive for histor-
19 ical records and materials of the Air Force that the
20 Secretary of the Air Force designates as the primary
21 archive for such records and materials.

22 “(2) The terms ‘officer of the United States’
23 and ‘employee of the United States’ have the mean-
24 ings given the terms ‘officer’ and ‘employee’, respec-

1 tively, in sections 2104 and 2105, respectively, of
 2 title 5.”.

3 (2) The table of sections at the beginning of such
 4 chapter is amended by adding at the end the following
 5 new item:

“9594. Air Force Military History Institute: fee for providing historical information to the public.”.

6 **SEC. 1057. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION FOR NATIONAL SECURITY PURPOSES.**
 7
 8

9 (a) CONDITIONS FOR AVAILABILITY OF INFORMATION.—Subsection (b) of section 9101 of title 5, United
 10 States Code, is amended—
 11

12 (1) by striking paragraph (3);

13 (2) by redesignating paragraph (2) as paragraph (4);
 14

15 (3) in paragraph (1)—

16 (A) in the first sentence—

17 (i) by inserting “the Department of
 18 Transportation,” after “the Department of
 19 State,”; and

20 (ii) by inserting “the following:” after
 21 “eligibility for”; and

22 (B) by striking “(A) access to classified information” and all that follows through the end
 23 of the paragraph and inserting the following:
 24

1 “(A) Access to classified information.

2 “(B) Assignment to or retention in sensitive na-
3 tional security duties.

4 “(C) Acceptance or retention in the armed
5 forces.

6 “(D) Appointment, retention, or assignment to
7 a position of public trust or a critical or sensitive po-
8 sition while either employed by the Federal Govern-
9 ment or performing a Federal Government contract.

10 “(2) If the criminal justice agency possesses the capa-
11 bility to provide automated criminal history record infor-
12 mation based on a search of its records by name and other
13 common identifiers, the agency shall provide the requester
14 with full criminal history record information for individ-
15 uals who meet the matching criteria.

16 “(3) Fees, if any, charged for providing criminal his-
17 tory record information pursuant to this subsection may
18 not exceed the reasonable cost of providing such informa-
19 tion through an automated name search.”; and

20 (4) by adding at the end the following:

21 “(5) A criminal justice agency may not require, as
22 a condition for the release of criminal history record infor-
23 mation under this subsection, that any official of a depart-
24 ment or agency named in paragraph (1) enter into an
25 agreement with a State or local government to indemnify

1 and hold harmless the State or locality for damages, costs,
 2 or other monetary loss arising from the disclosure or use
 3 by that department or agency of criminal history record
 4 information obtained from the State or local government
 5 pursuant to this subsection.”.

6 (b) USE OF AUTOMATED INFORMATION DELIVERY
 7 SYSTEMS.—Such section is further amended—

8 (1) by redesignating subsection (e) as sub-
 9 section (f); and

10 (2) by inserting after subsection (d) the fol-
 11 lowing new subsection (e):

12 “(e)(1) Automated information delivery systems shall
 13 be used to provide criminal history record information a
 14 department or agency under subsection (b) whenever
 15 available.

16 “(2) Fees, if any, charged for automated access
 17 through such systems may not exceed the reasonable cost
 18 of providing such access.

19 “(3) The criminal justice agency providing the crimi-
 20 nal history record information through such systems may
 21 not limit disclosure on the basis that the repository is
 22 accessed from outside the State.

23 “(4) Information provided through such systems shall
 24 be the full and complete criminal history record.

1 “(5) Criminal justice agencies shall accept and re-
2 spond to requests for criminal history record information
3 through such systems with printed or photocopied records
4 when requested.”.

5 **SEC. 1058. SENSE OF CONGRESS ON THE NAMING OF THE**
6 **CVN-77 AIRCRAFT CARRIER.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) Over the last three decades Congress has
10 authorized and appropriated funds for a total of 10
11 “NIMITZ” class aircraft carriers.

12 (2) The last vessel in the “NIMITZ” class of
13 aircraft carriers, CVN-77, is currently under con-
14 struction and will be delivered in 2008.

15 (3) The first nine vessels in this class bear the
16 following proud names:

17 (A) U.S.S. Nimitz (CVN-68).

18 (B) U.S.S. Dwight D. Eisenhower (CVN-
19 69).

20 (C) U.S.S. Carl Vinson (CVN-70).

21 (D) U.S.S. Theodore Roosevelt (CVN-71).

22 (E) U.S.S. Abraham Lincoln (CVN-72).

23 (F) U.S.S. George Washington (CVN-73).

24 (G) U.S.S. John C. Stennis (CVN-74).

25 (H) U.S.S. Harry S. Truman (CVN-75).

1 (I) U.S.S. Ronald Reagan (CVN-76).

2 (4) It is appropriate for Congress to rec-
3 ommend to the President, as Commander in Chief of
4 the Armed Forces, an appropriate name for the final
5 vessel in the “NIMITZ” class of aircraft carriers.

6 (5) Over the last 25 years the vessels in the
7 “NIMITZ” class of aircraft carriers have served as
8 one of the principal means of United States diplo-
9 macy and as one of the principal means for the de-
10 fense of the United States and our allies around the
11 world.

12 (6) The name bestowed upon aircraft carrier
13 CVN-77 should embody the American spirit and
14 provide a lasting symbol of the American commit-
15 ment to freedom.

16 (7) The name “Lexington” has been a symbol of
17 freedom from the first battle of the American Revo-
18 lution.

19 (8) The two aircraft carriers previously named
20 U.S.S. Lexington (the CV-2 and the CV-16) served
21 our Nation for 64 years, served in World War II,
22 and earned 13 battle stars.

23 (9) One of those honored vessels, the CV-2,
24 was lost after having given gallant fight at the Bat-
25 tle of Coral Sea in 1942.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the CVN-77 aircraft carrier should be named
3 the “U.S.S. Lexington”—

4 (1) in order to honor the men and women who
5 served in the Armed Forces of the United States
6 during World War II, and the incalculable number
7 of United States citizens on the home front during
8 that war, who mobilized in the name of freedom, and
9 who are today respectfully referred to as the “Great-
10 est Generation”; and

11 (2) as a special tribute to the 16,000,000 vet-
12 erans of the Armed Forces who served on land, sea,
13 and air during World War II (of whom less than
14 6,000,000 remain alive today) and a lasting symbol
15 of their commitment to freedom as they pass on hav-
16 ing proudly taken their place in history.

17 **SEC. 1059. DONATION OF CIVIL WAR CANNON.**

18 (a) AUTHORITY.—The Secretary of the Army shall
19 convey all right, title, and interest of the United States
20 in and to the Civil War era cannon described in subsection
21 (b) to the Edward Dorr Tracey, Jr. Camp 18 of the Sons
22 of the Confederate Veterans.

23 (b) PROPERTY TO BE CONVEYED.—The cannon re-
24 ferred to in subsection (a) is a 12-pounder Napoleon can-
25 non bearing the following markings:

1 (1) On the top: “CS”.

2 (2) On the face of the muzzle: “Macon Arsenal,
3 1864/No.41/1164 ET”.

4 (3) On the right trunnion: “Macon Arsenal
5 GEO/1864/No.41/WT.1164/E.T.”.

6 (c) CONSIDERATION.—No consideration may be re-
7 quired by the Secretary for the conveyance of the cannon
8 under this section.

9 (d) ADDITIONAL TERMS AND CONDITIONS.—The
10 Secretary may require such additional terms and condi-
11 tions in connection with the conveyance under this section
12 as the Secretary considers appropriate to protect the inter-
13 ests of the United States.

14 (e) RELATIONSHIP TO OTHER LAW.—The convey-
15 ance required under this section may be carried out with-
16 out regard to the Act entitled “An Act for the preservation
17 of American antiquities”, approved June 8, 1906 (34 Stat.
18 225; 16 U.S.C. 431 et seq.), popularly referred to as the
19 “Antiquities Act of 1906”.

20 **SEC. 1060. MAXIMUM SIZE OF PARCEL POST PACKAGES**
21 **TRANSPORTED OVERSEAS FOR ARMED**
22 **FORCES POST OFFICES.**

23 Section 3401(b) of title 39, United States Code, is
24 amended by striking “100 inches in length and girth com-
25 bined” in paragraphs (2) and (3) and inserting “the max-

1 imum size allowed by the Postal Service for fourth class
 2 parcel post (known as ‘Standard Mail (B)’”).

3 **TITLE XI—DEPARTMENT OF DE-**
 4 **FENSE CIVILIAN PERSONNEL**
 5 **POLICY**

6 **SEC. 1101. COMPUTER/ELECTRONIC ACCOMMODATIONS**
 7 **PROGRAM.**

8 (a) AUTHORITY TO EXPAND PROGRAM.—(1) Chapter
 9 81 of title 10, United States Code, is amended by inserting
 10 after section 1581 the following:

11 **“§ 1582. Assistive technology, assistive technology de-**
 12 **vices, and assistive technology services**

13 “(a) AUTHORITY.—The Secretary of Defense may
 14 provide assistive technology, assistive technology devices,
 15 and assistive technology services to the following:

16 “(1) Department of Defense employees with
 17 disabilities.

18 “(2) Organizations within the department that
 19 have requirements to make programs or facilities ac-
 20 cessible to and usable by persons with disabilities.

21 “(3) Any other department or agency of the
 22 Federal Government, upon the request of the head
 23 of that department or agency, for its employees with
 24 disabilities or for satisfying a requirement to make

1 its programs or facilities accessible to and usable by
2 persons with disabilities.

3 “(b) DEFINITIONS.—In this section, the terms ‘as-
4 sistive technology’, ‘assistive technology device’, ‘assistive
5 technology service’, and ‘disability’ have the meanings
6 given the terms in section 3 of the Assistive Technology
7 Act of 1998 (29 U.S.C. 3002).”.

8 (2) The table of sections at the beginning of such
9 chapter is amended by inserting after the item relating
10 to section 1581 the following:

“1582. Assistive technology, assistive technology devices, and assistive tech-
nology services.”.

11 (b) FUNDING.—Of the amount authorized to be ap-
12 propriated under section 301(5) for operation and mainte-
13 nance for Defense-wide activities, not more than
14 \$2,000,000 is available for the purpose of expanding and
15 administering the Computer/Electronic Accommodation
16 Program of the Department of Defense to provide under
17 section 1582 of title 10, United States Code (as added
18 by subsection (a)), the technology, devices, and services
19 described in that section.

1 **SEC. 1102. ADDITIONAL SPECIAL PAY FOR FOREIGN LAN-**
2 **GUAGE PROFICIENCY BENEFICIAL FOR**
3 **UNITED STATES NATIONAL SECURITY INTER-**
4 **ESTS.**

5 (a) IN GENERAL.—Chapter 81 of title 10, United
6 States Code, is amended by inserting after section 1596
7 the following new section:

8 **“§ 1596a. Foreign language proficiency: special pay**
9 **for proficiency beneficial for other na-**
10 **tional security interests**

11 “(a) AUTHORITY.—The Secretary of Defense may
12 pay special pay under this section to an employee of the
13 Department of Defense who—

14 “(1) has been certified by the Secretary to be
15 proficient in a foreign language identified by the
16 Secretary as being a language in which proficiency
17 by civilian personnel of the department is necessary
18 because of national security interests;

19 “(2) is assigned duties requiring proficiency in
20 that foreign language; and

21 “(3) is not receiving special pay under section
22 1596 of this title.

23 “(b) RATE.—The rate of special pay for an employee
24 under this section shall be prescribed by the Secretary,
25 but may not exceed five percent of the employee’s rate of
26 basic pay.

1 “(c) RELATIONSHIP TO OTHER PAY AND ALLOW-
 2 ANCES.—Special pay under this section is in addition to
 3 any other pay or allowances to which the employee is enti-
 4 tled.

5 “(d) REGULATIONS.—The Secretary of Defense shall
 6 prescribe regulations to carry out this section.”.

7 (b) AMENDMENT TO DISTINGUISH OTHER FOREIGN
 8 LANGUAGE PROFICIENCY SPECIAL PAY.—The heading for
 9 section 1596 of title 10, United States Code, is amended
 10 to read as follows:

11 **“§ 1596. Foreign language proficiency: special pay for**
 12 **proficiency beneficial for intelligence in-**
 13 **terests”.**

14 (c) CLERICAL AMENDMENT.—The table of sections
 15 at the beginning of chapter 81 of such title is amended
 16 by striking the item relating to section 1596 and inserting
 17 the following:

“1596. Foreign language proficiency: special pay for proficiency beneficial for
 intelligence interests.

“1596a. Foreign language proficiency: special pay for proficiency beneficial for
 other national security interests.”.

18 **SEC. 1103. INCREASED NUMBER OF POSITIONS AUTHOR-**
 19 **IZED FOR THE DEFENSE INTELLIGENCE SEN-**
 20 **IOR EXECUTIVE SERVICE.**

21 Section 1606(a) of title 10, United States Code, is
 22 amended by striking “492” and inserting “517”.

1 **SEC. 1104. EXTENSION OF AUTHORITY FOR TUITION REIM-**
2 **BURSEMENT AND TRAINING FOR CIVILIAN**
3 **EMPLOYEES IN THE DEFENSE ACQUISITION**
4 **WORKFORCE.**

5 Section 1745(a) of title 10, United States Code, is
6 amended by striking “September 30, 2001” in the second
7 sentence and inserting “September 30, 2010”.

8 **SEC. 1105. WORK SAFETY DEMONSTRATION PROGRAM.**

9 (a) ESTABLISHMENT.—The Secretary of Defense
10 shall carry out a defense employees work safety dem-
11 onstration program.

12 (b) PRIVATE SECTOR WORK SAFETY MODELS.—
13 Under the demonstration program, the Secretary shall—

14 (1) adopt for use in the workplace of employees
15 of the Department of Defense such work safety mod-
16 els used by employers in the private sector that the
17 Secretary considers as being representative of the
18 best work safety practices in use by private sector
19 employers; and

20 (2) determine whether the use of those prac-
21 tices in the Department of Defense improves the
22 work safety record of Department of Defense em-
23 ployees.

24 (c) SITES.—(1) The Secretary shall carry out the
25 demonstration program—

1 (A) at not fewer than two installations of each
2 of the Armed Forces (other than the Coast Guard),
3 for employees of the military department concerned;
4 and

5 (B) in at least two Defense Agencies (as de-
6 fined in section 101(a)(11) of title 10, United States
7 Code).

8 (2) The Secretary shall select the installations and
9 Defense Agencies from among the installations and De-
10 fense Agencies listed in the Federal Worker 2000 Presi-
11 dential Initiative.

12 (d) PERIOD FOR PROGRAM.—The demonstration pro-
13 gram shall begin not later than 180 days after the date
14 of the enactment of this Act and shall terminate on Sep-
15 tember 30, 2002.

16 (e) REPORTS.—(1) The Secretary of Defense shall
17 submit an interim report on the demonstration program
18 to the Committees on Armed Services of the Senate and
19 the House of Representatives not later than December 1,
20 2001. The interim report shall contain, at a minimum, for
21 each site of the demonstration program the following:

22 (A) A baseline assessment of the lost workday
23 injury rate.

1 (B) A comparison of the lost workday injury
2 rate for fiscal year 2000 with the lost workday in-
3 jury rate for fiscal year 1999.

4 (C) The direct and indirect costs associated
5 with all lost workday injuries.

6 (2) The Secretary of Defense shall submit a final re-
7 port on the demonstration program to the Committees on
8 Armed Services of the Senate and the House of Represent-
9 atives not later than December 1, 2002. The final report
10 shall contain, at a minimum, for each site of the dem-
11 onstration program the following:

12 (A) The Secretary's determination on the issue
13 stated in subsection (b)(2).

14 (B) A comparison of the lost workday injury
15 rate under the program with the baseline assessment
16 of the lost workday injury rate.

17 (C) The lost workday injury rate for fiscal year
18 2002.

19 (D) A comparison of the direct and indirect
20 costs associated with all lost workday injuries for fis-
21 cal year 2002 with the direct and indirect costs asso-
22 ciated with all lost workday injuries for fiscal year
23 2001.

24 (f) FUNDING.—Of the amount authorized to be ap-
25 propriated under section 301(5), \$5,000,000 shall be

1 available for the demonstration program under this sec-
 2 tion.

3 **SEC. 1106. EMPLOYMENT AND COMPENSATION OF EMPLOY-**
 4 **EES FOR TEMPORARY ORGANIZATIONS ES-**
 5 **TABLISHED BY LAW OR EXECUTIVE ORDER.**

6 (a) IN GENERAL.—Chapter 31 of title 5, United
 7 States Code, is amended by adding at the end the fol-
 8 lowing new subchapter:

9 “SUBCHAPTER IV—TEMPORARY ORGANIZA-
 10 TIONS ESTABLISHED BY LAW OR EXECU-
 11 TIVE ORDER

12 “§ 3161. **Employment and compensation of employees**

13 “(a) DEFINITION OF TEMPORARY ORGANIZATION.—
 14 For the purposes of this subchapter, the term ‘temporary
 15 organization’ means a commission, committee, board, or
 16 other organization that—

17 “(1) is established by law or Executive order
 18 for a specific period not in excess of 3 years for the
 19 purpose of performing a specific study or other
 20 project; and

21 “(2) is terminated upon the completion of the
 22 study or project or upon the occurrence of a condi-
 23 tion related to the completion of the study or
 24 project.

1 “(b) EMPLOYMENT AUTHORITY.—(1) Notwith-
2 standing the provisions of chapter 51 of this title, the head
3 of an Executive agency may appoint persons to positions
4 of employment in a temporary organization in such num-
5 bers and with such skills as are necessary for the perform-
6 ance of the functions required of a temporary organiza-
7 tion.

8 “(2) The period of an appointment under paragraph
9 (1) may not exceed three years, except that under regula-
10 tions prescribed by the Office of Personnel Management
11 the period of appointment may be extended for up to an
12 additional two years.

13 “(3) The positions of employment in a temporary or-
14 ganization are in the excepted service of the civil service.

15 “(c) DETAIL AUTHORITY.—Upon the request of the
16 head of a temporary organization, the head of any depart-
17 ment or agency of the Government may detail, on a non-
18 reimbursable basis, any personnel of the department or
19 agency to that organization to assist in carrying out its
20 duties.

21 “(d) COMPENSATION.—(1) The rate of basic pay for
22 an employee appointed under subsection (b) shall be estab-
23 lished under regulations prescribed by the Office of Per-
24 sonnel Management without regard to the provisions of
25 chapter 51 and subchapter III of chapter 53 of this title.

1 “(2) The rate of basic pay for the chairman, a mem-
2 ber, an executive director, a staff director, or another exec-
3 utive level position of a temporary organization may not
4 exceed the maximum rate of basic pay established for the
5 Senior Executive Service under section 5382 of this title.

6 “(3) Except as provided in paragraph (4), the rate
7 of basic pay for other positions in a temporary organiza-
8 tion may not exceed the maximum rate of basic pay for
9 grade GS-15 of the General Schedule under section 5332
10 of this title.

11 “(4) The rate of basic pay for a senior staff position
12 of a temporary organization may, in a case determined
13 by the head of the temporary organization as exceptional,
14 exceed the maximum rate of basic pay authorized under
15 paragraph (3), but may not exceed the maximum rate of
16 basic pay authorized for an executive level position under
17 paragraph (2).

18 “(5) In this subsection, the term ‘basic pay’ includes
19 locality pay provided for under section 5304 of this title.

20 “(e) TRAVEL EXPENSES.—An employee of a tem-
21 porary organization, whether employed on a full-time or
22 part-time basis, may be allowed travel and transportation
23 expenses, including per diem in lieu of subsistence, at
24 rates authorized for employees of agencies under sub-
25 chapter I of chapter 57 of this title, while traveling away

1 from the employee's regular place of business in the per-
2 formance of services for the temporary organization.

3 “(f) BENEFITS.—(1) An employee appointed under
4 subsection (b) shall be afforded the same benefits and en-
5 titlements as are provided other employees under subpart
6 G of part III of this title, except that a full-time employee
7 shall be eligible for life insurance under chapter 87 of this
8 title and health benefits under chapter 89 of this title im-
9 mediately upon appointment to the position of full-time
10 employment without regard to the duration of the tem-
11 porary organization or of the appointment to that position
12 of the temporary organization.

13 “(2) Until an employee of a temporary organization
14 has completed one year of continuous service in the civil
15 service, there shall be withheld from the employee's pay
16 the following:

17 “(A) In the case of an employee insured pursu-
18 ant to paragraph (1) by an insurance policy pur-
19 chased by the Office under chapter 87 of this title,
20 the amount equal to the amount of the Government
21 contribution under section 8708 of this title, as well
22 as the amount required to be withheld from the pay
23 of the employee under section 8707 of this title, all
24 of which shall be deposited in the Treasury of the
25 United States to the credit of the Employees' Life

1 Insurance Fund referred to in section 8714 of this
2 title.

3 “(B) In the case of an employee participating
4 pursuant to paragraph (1) in a Federal Employees
5 Health Benefits plan under chapter 89 of this title,
6 the amount equal to the amount of the Government
7 contribution under section 8906 of this title, as well
8 as the amount required to be withheld from the pay
9 of the employee under section 8906 of this title, all
10 of which shall be paid into the Employees Health
11 Benefits Fund referred to in section 8909 of this
12 title.

13 “(3) No contribution shall be made by the United
14 States for an employee under section 8708 or 8906 of this
15 title for any period for which subparagraph (A) or (B),
16 respectively, of paragraph (2) applies to the employee.

17 “(g) RETURN RIGHTS.—An employee serving under
18 a career or career conditional appointment or the equiva-
19 lent in an agency who transfers to or converts to an ap-
20 pointment in a temporary organization with the consent
21 of the head of the agency is entitled to be returned to
22 the employee’s former position or a position of like senior-
23 ity, status, and pay without grade or pay retention in the
24 agency if the employee—

1 “(1) is being separated from the temporary or-
 2 ganization for reasons other than misconduct, ne-
 3 glect of duty, or malfeasance; and

4 “(2) applies for return not later than 30 days
 5 before the earlier of—

6 “(A) the date of the termination of the em-
 7 ployment in the temporary organization; or

8 “(B) the date of the termination of the
 9 temporary organization.

10 “(h) TEMPORARY AND INTERMITTENT SERVICES.—
 11 The head of a temporary organization may procure for
 12 the organization temporary and intermittent services
 13 under section 3109(b) of this title.

14 “(i) ACCEPTANCE OF VOLUNTEER SERVICES.—(1)
 15 The head of a temporary organization may accept volun-
 16 teer services appropriate to the duties of the organization
 17 without regard to section 1342 of title 31.

18 “(2) Donors of voluntary services accepted for a tem-
 19 porary organization under this subsection may include the
 20 following:

21 “(A) Advisors.

22 “(B) Experts.

23 “(C) Members of the commission, committee,
 24 board, or other temporary organization, as the case
 25 may be.

1 “(D) A person performing services in any other
2 capacity determined appropriate by the head of the
3 temporary organization.

4 “(3) The head of the temporary organization—

5 “(A) shall ensure that each person performing
6 voluntary services accepted under this subsection is
7 notified of the scope of the voluntary services accept-
8 ed;

9 “(B) shall supervise the volunteer to the same
10 extent as employees receiving compensation for simi-
11 lar services; and

12 “(C) shall ensure that the volunteer has appro-
13 priate credentials or is otherwise qualified to per-
14 form in each capacity for which the volunteer’s serv-
15 ices are accepted.

16 “(4) A person providing volunteer services accepted
17 under this subsection shall be considered an employee of
18 the Federal Government in the performance of those serv-
19 ices for the purposes of the following provisions of law:

20 “(A) Chapter 81 of this title, relating to com-
21 pensation for work-related injuries.

22 “(B) Chapter 171 of title 28, relating to tort
23 claims.

24 “(C) Chapter 11 of title 18, relating to conflicts
25 of interest.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter is amended by adding
 3 at the end the following:

“SUBCHAPTER IV—TEMPORARY ORGANIZATIONS ESTABLISHED
 BY LAW OR EXECUTIVE ORDER

“Sec.

“3161. Employment and compensation of employees.”.

4 **SEC. 1107. EXTENSION OF AUTHORITY FOR VOLUNTARY**
 5 **SEPARATIONS IN REDUCTIONS IN FORCE.**

6 Section 3502(f)(5) of title 5, United States Code, is
 7 amended by striking “September 30, 2001” and inserting
 8 “September 30, 2005”.

9 **SEC. 1108. ELECTRONIC MAINTENANCE OF PERFORMANCE**
 10 **APPRAISAL SYSTEMS.**

11 Section 4302 of title 5, United States Code, is
 12 amended by adding at the end the following:

13 “(c) The head of an agency may administer and
 14 maintain its performance appraisal systems electronically
 15 in accordance with regulations which the Office shall pre-
 16 scribe.”.

17 **SEC. 1109. APPROVAL AUTHORITY FOR CASH AWARDS IN**
 18 **EXCESS OF \$10,000.**

19 Section 4502 of title 5, United States Code, is
 20 amended by adding at the end the following:

21 “(f) The Secretary of Defense may grant a cash
 22 award under subsection (b) of this section without regard

1 to the requirements for certification and approval provided
2 in that subsection.”.

3 **SEC. 1110. LEAVE FOR CREWS OF CERTAIN VESSELS.**

4 Section 6305(c)(2) of title 5, United States Code, is
5 amended to read as follows:

6 “(2) may not be made the basis for a lump-sum
7 payment, except that civil service mariners of the
8 Military Sealift Command on temporary promotion
9 aboard ship may be paid the difference between their
10 temporary and permanent rates of pay for leave ac-
11 crued and not otherwise used during the temporary
12 promotion upon the expiration or termination of the
13 temporary promotion; and”.

14 **SEC. 1111. LIFE INSURANCE FOR EMERGENCY ESSENTIAL**
15 **DEPARTMENT OF DEFENSE EMPLOYEES.**

16 Section 8702 of title 5, United States Code, is
17 amended by adding at the end the following new sub-
18 section:

19 “(c) Notwithstanding a notice previously given under
20 subsection (b), an employee of the Department of Defense
21 who is designated as an emergency essential employee
22 under section 1580 of title 10 shall be insured if the em-
23 ployee, within 60 days after the date of the designation,
24 elects to be insured under a policy of insurance under this
25 chapter. An election under the preceding sentence shall be

1 effective when provided to the Office in writing, in the
2 form prescribed by the Office, within such 60-day pe-
3 riod.”.

4 **SEC. 1112. CIVILIAN PERSONNEL SERVICES PUBLIC-PRI-**
5 **VATE COMPETITION PILOT PROGRAM.**

6 (a) PROGRAM REQUIRED.—The Secretary of Defense
7 shall establish a pilot program to assess the extent to
8 which the effectiveness and efficiency of the performance
9 of civilian personnel services for the Department of De-
10 fense could be increased by conducting competitions for
11 the performance of such services between the public and
12 private sectors. The pilot program under this section shall
13 be known as the “Civilian Personnel Services Public-Pri-
14 vate Competition Program”.

15 (b) CIVILIAN PERSONNEL REGIONS TO BE IN-
16 CLUDED.—(1) The pilot program shall be carried out in
17 four civilian personnel regions, as follows:

18 (A) In one region, for the civilian personnel
19 services for the Department of the Army.

20 (B) In two regions, for the civilian personnel
21 services for the Department of the Navy.

22 (C) In one region, for the civilian personnel
23 services for any military department or for any orga-
24 nization within the Department of Defense that is
25 not within a military department.

1 (2) The Secretary shall designate the regions to par-
2 ticipate in the pilot program. The Secretary shall select
3 the regions for designation from among the regions where
4 the conduct of civilian personnel operations are most con-
5 ducive to public-private competition. In making the selec-
6 tions, the Secretary shall consult with the Secretary of the
7 Army, the Secretary of the Navy, and the Director of
8 Washington Headquarters Services.

9 (c) RIGHT OF FIRST REFUSAL FOR DISPLACE FED-
10 ERAL EMPLOYEES.—The Secretary of Defense shall take
11 the actions necessary to ensure that, in the case of a con-
12 version to private sector performance under the pilot pro-
13 gram, employees of the United States who are displaced
14 by the conversion have the right of first refusal for jobs
15 for which they are qualified that are created by the conver-
16 sion.

17 (d) DURATION AND COVERAGE OF THE PROGRAM.—
18 The pilot program shall be carried out during the period
19 beginning on October 1, 2000, and ending on December
20 31, 2004.

21 (e) AUTHORITY TO EXPAND PROGRAM.—The Sec-
22 retary may expand the pilot program to include other re-
23 gions.

24 (f) REPORT.—Not later than February 1, 2005, the
25 Secretary shall submit a report on the pilot program to

1 the Committees on Armed Services of the Senate and the
2 House of Representatives. The report shall include the fol-
3 lowing:

4 (1) The Secretary's assessment of the value of
5 the actions taken in the administration of the pilot
6 program for increasing the effectiveness and effi-
7 ciency of the performance of civilian personnel serv-
8 ices for the Department of Defense in the regions
9 covered by the pilot program, as compared to the
10 performance of civilian personnel services for the de-
11 partment in regions not included in the pilot pro-
12 gram.

13 (2) Any recommendations for legislation or
14 other action that the Secretary considers appropriate
15 to increase the effectiveness and efficiency of the
16 performance of civilian personnel services for the
17 Department of Defense in all regions.

18 **SEC. 1113. EXTENSION, EXPANSION, AND REVISION OF AU-**
19 **THORITY FOR EXPERIMENTAL PERSONNEL**
20 **PROGRAM FOR SCIENTIFIC AND TECHNICAL**
21 **PERSONNEL.**

22 (a) EXTENSION OF PROGRAM.—Section 1101 of the
23 Strom Thurmond National Defense Authorization Act for
24 Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2139;
25 5 U.S.C. 3104 note) is amended—

1 (1) in subsection (a), by striking “the 5-year
2 period beginning on the date of the enactment of
3 this Act” and inserting “the program period speci-
4 fied in subsection (e)(1)”;

5 (2) in subsection (e), by striking paragraph (1)
6 and inserting the following:

7 “(1) The period for carrying out the program author-
8 ized under this section begins on October 17, 1998, and
9 ends on October 16, 2005.”; and

10 (3) in subsection (f), by striking “on the day
11 before the termination of the program” and insert-
12 ing “on the last day of the program period specified
13 in subsection (e)(1)”.

14 (b) EXPANSION OF SCOPE.—Subsection (a) of such
15 section, as amended by subsection (a)(1) of this section,
16 is further amended by inserting before the period at the
17 end the following: “and research and development projects
18 administered by laboratories designated for the program
19 by the Secretary from among the laboratories of each of
20 the military departments”.

21 (c) LIMITATION ON NUMBER OF APPOINTMENTS.—
22 Subsection (b)(1) of such section is amended to read as
23 follows:

24 “(1) without regard to any provision of title 5,
25 United States Code, governing the appointment of

1 employees in the civil service, appoint scientists and
2 engineers from outside the civil service and uni-
3 formed services (as such terms are defined in section
4 2101 of such title) to—

5 “(A) not more than 40 scientific and engi-
6 neering positions in the Defense Advanced Re-
7 search Projects Agency;

8 “(B) not more than 40 scientific and engi-
9 neering positions in the designated laboratories
10 of each of the military services; and

11 “(C) not more than a total of 10 scientific
12 and engineering positions in the National Im-
13 agery and Mapping Agency and the National
14 Security Agency.”.

15 (d) RATES OF PAY FOR APPOINTEES.—Subsection
16 (b)(2) of such section is amended by inserting after
17 “United States Code,” the following: “as increased by lo-
18 cality-based comparability payments under section 5304
19 of such title,”.

20 (e) COMMENSURATE EXTENSION OF REQUIREMENT
21 FOR ANNUAL REPORT.—Subsection (g) of such section is
22 amended by striking “2004” and inserting “2006”.

23 (f) AMENDMENT OF SECTION HEADING.—The head-
24 ing for such section is amended to read as follows:

1 “SEC. 1101. EXPERIMENTAL PERSONNEL PROGRAM FOR
 2 SCIENTIFIC AND TECHNICAL PERSONNEL.”.

3 **TITLE XII—MATTERS RELATING**
 4 **TO OTHER NATIONS**

5 **SEC. 1201. AUTHORITY TO TRANSFER NAVAL VESSELS TO**
 6 **CERTAIN FOREIGN COUNTRIES.**

7 (a) AUTHORITY TO TRANSFER.—

8 (1) AUSTRALIA.—The Secretary of the Navy is
 9 authorized to transfer to the Government of Aus-
 10 tralia the “KIDD” class guided missile destroyers
 11 KIDD (DDG 993), CALLAGHAN (DDG 994),
 12 SCOTT (DDG 995), and CHANDLER (DDG 996).
 13 Each such transfer shall be on a combined lease-sale
 14 basis under sections 61 and 21 of the Arms Export
 15 Control Act (22 U.S.C. 2796 and 2761).

16 (2) BRAZIL.—The Secretary of the Navy is au-
 17 thorized to transfer to the Government of Brazil the
 18 “THOMASTON” class dock landing ships ALAMO
 19 (LSD 33) and HERMITAGE (LSD 34), and the
 20 “GARCIA” class frigates BRADLEY (FF 1041),
 21 DAVIDSON (FF 1045), SAMPLE (FF 1048) and
 22 ALBERT DAVID (FF 1050). Each such transfer
 23 shall be on a grant basis under section 516 of the
 24 Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

25 (3) CHILE.—The Secretary of the Navy is au-
 26 thorized to transfer to the Government of Chile the

1 “OLIVER HAZARD PERRY” class guided missile
2 frigates WADSWORTH (FFG 9), and ESTOCIN
3 (FFG 15). Each such transfer shall be on a com-
4 bined lease-sale basis under sections 61 and 21 of
5 the Arms Export Control Act (22 U.S.C. 2796 and
6 2761).

7 (4) EGYPT.—The Secretary of the Navy is au-
8 thorized to transfer to the Government of Egypt the
9 “DIXIE” class destroyer tender YOSEMITE (AD
10 19). The transfer shall be on a grant basis under
11 section 516 of the Foreign Assistance Act of 1961
12 (22 U.S.C. 2321j).

13 (5) GREECE.—The Secretary of the Navy is au-
14 thorized to transfer to the Government of Greece the
15 “KNOX” class frigates VREELAND (FF 1068)
16 and TRIPPE (FF 1075). Each such transfer shall
17 be on a grant basis under section 516 of the Foreign
18 Assistance Act of 1961 (22 U.S.C. 2321j).

19 (6) TURKEY.—(A) The Secretary of the Navy is
20 authorized to transfer to the Government of Turkey
21 the “OLIVER HAZARD PERRY” class guided mis-
22 sile frigates JOHN A. MOORE (FFG 19) and
23 FLATLEY (FFG 21). Each transfer under the au-
24 thority of this subsection shall be on a combined
25 lease-sale basis under sections 61 and 21 of the

1 Arms Export Control Act (22 U.S.C. 2796 and
2 2761).

3 (B) The authority provided under subparagraph
4 (A) is in addition to the authority provided under
5 section 1018(a)(9) of Public Law 106–65 (113 Stat.
6 745) for the Secretary of the Navy to transfer such
7 vessels to the Government of Turkey on a sale basis
8 under section 21 of the Arms Export Control Act
9 (22 U.S.C. 2761).

10 (b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF
11 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value
12 of a vessel transferred to another country on a grant basis
13 under section 516 of the Foreign Assistance Act of 1961
14 (22 U.S.C. 2321j) pursuant to authority provided by sub-
15 section (a) shall not be counted for the purposes of sub-
16 section (g) of that section in the aggregate value of excess
17 defense articles transferred to countries under that section
18 in any fiscal year.

19 (c) COSTS OF TRANSFERS.—Any expense incurred by
20 the United States in connection with a transfer authorized
21 by this section shall be charged to the recipient (notwith-
22 standing section 516(e)(1) of the Foreign Assistance Act
23 of 1961 (22 U.S.C. 2321j(e)(1)) in the case of a transfer
24 authorized to be made on a grant basis under subsection
25 (a)).

1 (d) REPAIR AND REFURBISHMENT IN UNITED
2 STATES SHIPYARDS.—To the maximum extent prac-
3 ticable, the Secretary of the Navy shall require, as a condi-
4 tion of the transfer of a vessel under this section, that
5 the country to which the vessel is transferred have such
6 repair or refurbishment of the vessel as is needed, before
7 the vessel joins the naval forces of that country, performed
8 at a shipyard located in the United States, including a
9 United States Navy shipyard.

10 (e) CONDITIONS RELATING TO COMBINED LEASE-
11 SALE TRANSFERS.—A transfer of a vessel on a combined
12 lease-sale basis authorized by subsection (a) shall be made
13 in accordance with the following requirements:

14 (1) The Secretary of the Navy may initially
15 transfer the vessel by lease, with lease payments sus-
16 pended for the term of the lease, if the country en-
17 tering into the lease for the vessel simultaneously
18 enters into a foreign military sales agreement for the
19 transfer of title to the vessel.

20 (2) The Secretary may not deliver to the pur-
21 chasing country title to the vessel until the purchase
22 price of the vessel under such a foreign military
23 sales agreement is paid in full.

24 (3) Upon payment of the purchase price in full
25 under such a sales agreement and delivery of title to

1 the recipient country, the Secretary shall terminate
2 the lease.

3 (4) If the purchasing country fails to make full
4 payment of the purchase price in accordance with
5 the sales agreement by the date required under the
6 sales agreement—

7 (A) the sales agreement shall be imme-
8 diately terminated;

9 (B) the suspension of lease payments
10 under the lease shall be vacated; and

11 (C) the United States shall be entitled to
12 retain all funds received on or before the date
13 of the termination under the sales agreement,
14 up to the amount of the lease payments due
15 and payable under the lease and all other costs
16 required by the lease to be paid to that date.

17 (5) If a sales agreement is terminated pursuant
18 to paragraph (4), the United States shall not be re-
19 quired to pay any interest to the recipient country
20 on any amount paid to the United States by the re-
21 cipient country under the sales agreement and not
22 retained by the United States under the lease.

23 (f) AUTHORIZATION OF APPROPRIATIONS FOR COSTS
24 OF LEASE-SALE TRANSFERS.—There is hereby authorized
25 to be appropriated into the Defense Vessels Transfer Pro-

1 gram Account such sums as may be necessary for paying
2 the costs (as defined in section 502 of the Congressional
3 Budget Act of 1974 (2 U.S.C. 661a)) of the lease-sale
4 transfers authorized by subsection (a). Amounts so appro-
5 priated shall be available only for the purpose of paying
6 those costs.

7 (g) EXPIRATION OF AUTHORITY.—The authority pro-
8 vided under subsection (a) shall expire at the end of the
9 two-year period beginning on the date of the enactment
10 of this Act.

11 **SEC. 1202. SUPPORT OF UNITED NATIONS-SPONSORED EF-**
12 **FORTS TO INSPECT AND MONITOR IRAQI**
13 **WEAPONS ACTIVITIES.**

14 (a) LIMITATION ON AMOUNT OF ASSISTANCE IN FIS-
15 CAL YEAR 2001.—The total amount of the assistance for
16 fiscal year 2001 that is provided by the Secretary of De-
17 fense under section 1505 of the Weapons of Mass Destruc-
18 tion Control Act of 1992 (22 U.S.C. 5859a) as activities
19 of the Department of Defense in support of activities
20 under that Act may not exceed \$15,000,000.

21 (b) EXTENSION OF AUTHORITY TO PROVIDE ASSIST-
22 ANCE.—Subsection (f) of section 1505 of the Weapons of
23 Mass Destruction Control Act of 1992 (22 U.S.C. 5859a)
24 is amended by striking “2000” and inserting “2001”.

1 **SEC. 1203. REPEAL OF RESTRICTION PREVENTING COOP-**
 2 **ERATIVE AIRLIFT SUPPORT THROUGH AC-**
 3 **QUISITION AND CROSS-SERVICING AGREE-**
 4 **MENTS.**

5 Section 2350c of title 10, United States Code, is
 6 amended—

7 (1) by striking subsection (d); and

8 (2) by redesignating subsection (e) as sub-
 9 section (d).

10 **SEC. 1204. WESTERN HEMISPHERE INSTITUTE FOR PRO-**
 11 **FSSIONAL EDUCATION AND TRAINING.**

12 (a) IN GENERAL.—Chapter 108 of title 10, United
 13 States Code, is amended by adding at the end the fol-
 14 lowing:

15 **“§ 2166. Western Hemisphere Institute for Profes-**
 16 **sional Education and Training**

17 “(a) ESTABLISHMENT AND ADMINISTRATION.—(1)
 18 The Secretary of Defense may operate an education and
 19 training facility for the purpose set forth in subsection (b).
 20 The facility may be called the Western Hemisphere Insti-
 21 tute for Professional Education and Training.

22 “(2) The Secretary may designate the Secretary of
 23 a military department as the Department of Defense exec-
 24 utive agent for carrying out the responsibilities of the Sec-
 25 retary of Defense under this section.

1 “(b) PURPOSE.—The purpose of the Institute is to
2 provide professional education and training to eligible per-
3 sonnel of the Western Hemisphere within the context of
4 the democratic principles set forth in the Charter of the
5 Organization of American States and supporting agree-
6 ments, while fostering mutual knowledge, transparency,
7 confidence, and cooperation among the participating na-
8 tions and promoting democratic values, respect for human
9 rights, and knowledge and understanding of United States
10 customs and traditions.

11 “(c) ELIGIBLE PERSONNEL.—(1) Subject to para-
12 graph (2), personnel of the Western Hemisphere are eligi-
13 ble for education and training at the Institute as follows:

14 “(A) Military personnel.

15 “(B) Law enforcement personnel.

16 “(C) Civilians, whether or not employed by a
17 government of the Western Hemisphere.

18 “(2) The selection of foreign personnel for education
19 or training at the Institute is subject to the approval of
20 the Secretary of State.

21 “(d) CURRICULUM.—(1) The curriculum of the Insti-
22 tute shall include mandatory instruction for each student,
23 for at least 8 hours, on human rights, the rule of law,
24 due process, civilian control of the military, and the role
25 of the military in a democratic society.

1 “(2) The curriculum may include instruction and
2 other educational and training activities on the following:

3 “(A) Leadership development.

4 “(B) Counterdrug operations.

5 “(C) Peace support operations.

6 “(D) Disaster relief.

7 “(E) Any other matters that the Secretary de-
8 termines appropriate.

9 “(e) BOARD OF VISITORS.—(1) There shall be a
10 Board of Visitors for the Institute. The Board shall be
11 composed of the following:

12 “(A) Two members of the Senate designated by
13 the President pro tempore of the Senate.

14 “(B) Two members of the House of Represent-
15 atives designated by the Speaker of the House of
16 Representatives.

17 “(C) Six persons designated by the Secretary of
18 Defense including, to the extent practicable, at least
19 one member from academia, one member from the
20 religious community, and one member from the
21 human rights community.

22 “(D) One person designated by the Secretary of
23 State.

1 “(E) For each of the armed forces, the senior
2 military officer responsible for training and doctrine
3 or a designee of that officer.

4 “(F) The Commander in Chief of the United
5 States Southern Command or a designee of that of-
6 ficer.

7 “(2) The members of the Board shall serve for 2
8 years except for the members referred to in subparagraphs
9 (A) and (B) of paragraph (1) who may serve until a suc-
10 cessor is designated.

11 “(3) A vacancy in a position of membership on the
12 Board shall be filled in the same manner as the position
13 was originally filled.

14 “(4) The Board shall meet at least once each year.

15 “(5)(A) The Board shall inquire into the curriculum,
16 instruction, physical equipment, fiscal affairs, academic
17 methods, and other matters relating to the Institute that
18 the Board decides to consider.

19 “(B) The Board shall review the curriculum of the
20 Institute to determine whether—

21 “(i) the curriculum complies with applicable
22 United States laws and regulations;

23 “(ii) the curriculum is consistent with United
24 States policy goals toward Latin America and the
25 Caribbean;

1 “(iii) the curriculum adheres to current United
2 States doctrine; and

3 “(iv) the instruction under the curriculum ap-
4 propriately emphasizes the matters described in sub-
5 section (d)(1).

6 “(6) Not later than 60 days after its annual meeting,
7 the Board shall submit to the Secretary of Defense a writ-
8 ten report of its action and of its views and recommenda-
9 tions pertaining to the Institute.

10 “(7) Members of the Board may not be compensated
11 for service on the Board. In the case of officers or employ-
12 ees of the United States serving on the Board as part of
13 their official duties, compensation paid to the members as
14 officers or employees of the United States shall not be con-
15 sidered compensation for service on the Board.

16 “(8) With the approval of the Secretary of Defense,
17 the Board may accept and use the services of voluntary
18 and noncompensated advisers appropriate to the duties of
19 the Board without regard to section 1342 of title 31.

20 “(9) Members of the Board and advisers whose serv-
21 ices are accepted under paragraph (8) shall be allowed
22 travel and transportation expenses, including per diem in
23 lieu of subsistence, while away from their homes or regular
24 places of business in the performance of services for the

1 Board. Allowances under this paragraph shall be
2 computed—

3 “(A) in the case of members of the Board who
4 are officers or employees of the United States, at
5 rates authorized for employees of agencies under
6 subchapter I of chapter 57 of title 5; and

7 “(B) in the case of other members of the Board
8 and advisers, as authorized under section 5703 of
9 title 5 for employees serving without pay.

10 “(10) The Federal Advisory Committee Act (5 U.S.C.
11 App. 2), other than section 14 (relating to termination
12 after two years), shall apply to the Board.

13 “(f) FIXED COSTS.—The fixed costs of operating and
14 maintaining the Institute—

15 “(1) may be paid from funds available to the
16 Army for operation and maintenance; and

17 “(2) may not be paid out of the proceeds of tui-
18 tion fees charged for professional education and
19 training at the Institute.

20 “(g) ANNUAL REPORT.—Not later than March 15 of
21 each year, the Secretary of Defense shall submit to Con-
22 gress a detailed report on the activities of the Institute
23 during the preceding year. The Secretary shall coordinate
24 the preparation of the report with the heads of department
25 and agencies of the United States that have official inter-

1 ests in the activities of the Institute, as determined by the
2 Secretary.”.

3 (b) REPEAL OF AUTHORITY FOR UNITED STATES
4 ARMY SCHOOL OF THE AMERICAS.—Section 4415 of title
5 10, United States Code, is repealed.

6 (c) CLERICAL AMENDMENTS.—(1) The table of sec-
7 tions at the beginning of chapter 108 of title 10, United
8 States Code, is amended by inserting after the item relat-
9 ing to section 2165 the following:

“2166. Western Hemisphere Institute for Professional Education and Train-
ing.”.

10 (2) The table of sections at the beginning of chapter
11 407 of such title is amended by striking the item relating
12 to section 4415.

13 **SEC. 1205. BIENNIAL REPORT ON KOSOVO PEACEKEEPING.**

14 (a) REQUIREMENT FOR PERIODIC REPORT.—Begin-
15 ning on December 1, 2000, and every six months there-
16 after, the President shall submit to the congressional de-
17 fense committees, the Committee on Foreign Relations of
18 the Senate, and the Committee on International Relations
19 of the House of Representatives a report on the contribu-
20 tions of European nations and organizations to the peace-
21 keeping operations in Kosovo.

22 (b) CONTENT OF REPORT.—Each report shall con-
23 tain detailed information on the following:

1 (1) The commitments and pledges made by the
2 European Commission, the member nations of the
3 European Union, and the European member nations
4 of the North Atlantic Treaty Organization for recon-
5 struction assistance in Kosovo, humanitarian assist-
6 ance in Kosovo, the Kosovo Consolidated Budget,
7 police (including special police) for the United Na-
8 tions international police force for Kosovo, and mili-
9 tary personnel for peacekeeping operations in
10 Kosovo.

11 (2) The amount of the assistance that has been
12 provided in each category, and the number of police
13 and military personnel that have been deployed to
14 Kosovo, by each such organization or nation.

15 (3) The full range of commitments and respon-
16 sibilities that have been undertaken for Kosovo by
17 the United Nations, the European Union, and the
18 Organization for Security and Cooperation in Eu-
19 rope (OSCE), the progress made by those organiza-
20 tions in fulfilling those commitments and respon-
21 sibilities, an assessment of the tasks that remain to
22 be accomplished, and an anticipated schedule for
23 completing those tasks.

1 **SEC. 1206. MUTUAL ASSISTANCE FOR MONITORING TEST**
2 **EXPLOSIONS OF NUCLEAR DEVICES.**

3 (a) **AUTHORITY.**—Subchapter II of chapter 138 of
4 title 10, United States Code, is amended by adding at the
5 end the following new section:

6 **“§ 2350l. Mutual assistance for monitoring test explo-**
7 **sions of nuclear devices**

8 “(a) **ACCEPTANCE OF CONTRIBUTIONS.**—(1) The
9 Secretary of Defense may accept funds, services, or prop-
10 erty from a foreign government, an international organiza-
11 tion, or any other entity for a purpose described in para-
12 graph (2).

13 “(2) Contributions accepted under paragraph (1)
14 may be used only for the development, procurement, in-
15 stallation, operation, repair, or maintenance of equipment
16 for monitoring test explosions of nuclear devices, or for
17 communications relating to the operation of such equip-
18 ment. The equipment may be installed and used on United
19 States territory, foreign territory (including Antarctica),
20 or in international waters.

21 “(3) Any funds accepted under paragraph (1) shall
22 be deposited in an account established by the Secretary
23 for use for the purposes described in paragraph (2), and
24 shall be available, without fiscal year limitation, for use
25 by Department of Defense officials authorized by the Sec-

1 retary of Defense for contracts, grants, or other forms of
2 acquisition for such purposes.

3 “(b) AUTHORITY TO PROVIDE MONITORING ASSIST-
4 ANCE.—(1) To satisfy obligations of the United States to
5 monitor test explosions of nuclear devices, the Secretary
6 of Defense may provide a foreign government with assist-
7 ance for the monitoring of such tests, but only in accord-
8 ance with an agreement satisfying the requirements of
9 paragraph (3).

10 “(2) The assistance authorized under paragraph (1)
11 is as follows:

12 “(A) A loan or conveyance of—

13 “(i) equipment for monitoring test explo-
14 sions of nuclear devices; and

15 “(ii) associated equipment.

16 “(B) The installation of such equipment on for-
17 eign territory or in international waters.

18 “(3) Assistance for a foreign government under this
19 subsection shall be subject to an agreement entered into
20 between the United States and the foreign government
21 that ensures the following:

22 “(A) That the Secretary has timely access to
23 data that is produced, collected, or generated by
24 equipment loaned or conveyed to the foreign govern-
25 ment under the agreement.

1 “(B) That the Secretary—

2 “(i) has access to that equipment for pur-
3 poses of inspecting, testing, maintaining, repair-
4 ing, or replacing the equipment; and

5 “(ii) may take such actions as are nec-
6 essary to meet United States obligations to in-
7 spect, test, maintain, repair, or replace the
8 equipment.

9 “(c) DELEGATION.—The Secretary may delegate au-
10 thority to carry out subsection (a) or (b) only to the Under
11 Secretary of Defense for Acquisition, Technology, and Lo-
12 gistics or the Secretary of the Air Force. Authority so del-
13 egated may be further delegated.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of subchapter II of such chapter is
16 amended by inserting after the item relating to section
17 2350k the following new item:

“2350l. Mutual assistance for monitoring test explosions of nuclear devices.”.

18 **SEC. 1207. ANNUAL REPORT ON ACTIVITIES AND ASSIST-**
19 **ANCE UNDER COOPERATIVE THREAT REDUC-**
20 **TION PROGRAMS.**

21 (a) ANNUAL REPORT CONSOLIDATING DISPARATE
22 REPORT REQUIREMENTS.—(1) Chapter 23 of title 10,
23 United States Code, is amended by adding at the end the
24 following new section:

1 **“§ 488. Annual report on activities and assistance**
2 **under Cooperative Threat Reduction pro-**
3 **grams**

4 “(a) ANNUAL REPORT.—In any year in which the
5 budget of the President under section 1105 of title 31 for
6 the fiscal year beginning in such year requests funds for
7 the Department of Defense for assistance or activities
8 under Cooperative Threat Reduction programs with the
9 states of the former Soviet Union, the Secretary of De-
10 fense shall submit to Congress a report on activities and
11 assistance during the preceding fiscal year under Coopera-
12 tive Threat Reduction programs setting forth the matters
13 in subsection (c).

14 “(b) DEADLINE FOR REPORT.—The report under
15 subsection (a) shall be submitted not later than the first
16 Monday in February of a year.

17 “(c) MATTERS TO BE INCLUDED.—The report under
18 subsection (a) in a year shall set forth the following:

19 “(1) An estimate of the total amount that will
20 be required to be expended by the United States in
21 order to achieve the objectives of the Cooperative
22 Threat Reduction programs.

23 “(2) A five-year plan setting forth the amount
24 of funds and other resources proposed to be provided
25 by the United States for Cooperative Threat Reduc-
26 tion programs over the term of the plan, including

1 the purpose for which such funds and resources will
2 be used, and to provide guidance for the preparation
3 of annual budget submissions with respect to Coop-
4 erative Threat Reduction programs.

5 “(3) A description of the Cooperative Threat
6 Reduction activities carried out during the fiscal
7 year ending in the year preceding the year of the re-
8 port, including—

9 “(A) the amounts notified, obligated, and
10 expended for such activities and the purposes
11 for which such amounts were notified, obli-
12 gated, and expended for such fiscal year and
13 cumulatively for Cooperative Threat Reduction
14 programs;

15 “(B) a description of the participation, if
16 any, of each department and agency of the
17 United States Government in such activities;

18 “(C) a description of such activities, in-
19 cluding the forms of assistance provided;

20 “(D) a description of the United States
21 private sector participation in the portion of
22 such activities that were supported by the obli-
23 gation and expenditure of funds for Cooperative
24 Threat Reduction programs; and

1 “(E) such other information as the Sec-
2 retary of Defense considers appropriate to in-
3 form Congress fully of the operation of Cooper-
4 ative Threat Reduction programs and activities,
5 including with respect to proposed demilitariza-
6 tion or conversion projects, information on the
7 progress toward demilitarization of facilities
8 and the conversion of the demilitarized facilities
9 to civilian activities.

10 “(4) A description of the audits, examinations,
11 and other efforts, such as on-site inspections, con-
12 ducted by the United States during the fiscal year
13 ending in the year preceding the year of the report
14 to ensure that assistance provided under Cooperative
15 Threat Reduction programs is fully accounted for
16 and that such assistance is being used for its in-
17 tended purpose, including a description of—

18 “(A) if such assistance consisted of equip-
19 ment, a description of the current location of
20 such equipment and the current condition of
21 such equipment;

22 “(B) if such assistance consisted of con-
23 tracts or other services, a description of the sta-
24 tus of such contracts or services and the meth-
25 ods used to ensure that such contracts and

1 services are being used for their intended pur-
2 pose;

3 “(C) a determination whether the assist-
4 ance described in subparagraphs (A) and (B)
5 has been used for its intended purpose; and

6 “(D) a description of the audits, examina-
7 tions, and other efforts planned to be carried
8 out during the fiscal year beginning in the year
9 of the report to ensure that Cooperative Threat
10 Reduction assistance provided during such fis-
11 cal year is fully accounted for and is used for
12 its intended purpose.

13 “(5) A current description of the tactical nu-
14 clear weapons arsenal of Russia, including—

15 “(A) an estimate of the current types,
16 numbers, yields, viability, locations, and deploy-
17 ment status of the nuclear warheads in that ar-
18 senal;

19 “(B) an assessment of the strategic rel-
20 evance of such warheads;

21 “(C) an assessment of the current and pro-
22 jected threat of theft, sale, or unauthorized use
23 of such warheads; and

24 “(D) a summary of past, current, and
25 planned United States efforts to work coopera-

1 tively with Russia to account for, secure, and
2 reduce Russia's stockpile of tactical nuclear
3 warheads and associated fissile materials.

4 “(d) INPUT OF DCI.—The Director of Central Intel-
5 ligence shall submit to the Secretary of Defense the views
6 of the Director on any matters covered by subsection
7 (b)(5) in a report under this section. Such views shall be
8 included in such report as a classified annex to such re-
9 port.

10 “(e) COMPTROLLER GENERAL ASSESSMENT.—Not
11 later than 60 days after the date on which a report is
12 submitted to Congress under subsection (a), the Comp-
13 troller General shall submit to Congress a report setting
14 forth the Comptroller General's assessment of the report
15 under subsection (a), including any recommendations re-
16 garding the report under subsection (a) that the Comp-
17 troller General considers appropriate.”.

18 (2) The table of sections at the beginning of chapter
19 23 of such title is amended by adding at the end the fol-
20 lowing new item:

“488. Annual report on activities and assistance under Cooperative Threat Re-
duction programs.”.

21 (b) FIRST REPORT.—The first report submitted
22 under section 488 of title 10, United States Code, as
23 added by subsection (a), shall be submitted in 2002.

1 (c) REPEAL OF SUPERSEDED REPORTING REQUIRE-
2 MENTS.—(1) The following provisions of law are repealed:

3 (A) Section 1207 of the Cooperative Threat Re-
4 duction Act of 1994 (title XII of Public Law 103–
5 160; 107 Stat. 1782; 22 U.S.C. 5956), relating to
6 semiannual reports on Cooperative Threat Reduc-
7 tion.

8 (B) Section 1203 of the National Defense Au-
9 thorization Act for Fiscal Year 1995 (Public Law
10 103–337; 108 Stat. 2882), relating to a report ac-
11 counting for United States for Cooperative Threat
12 Reduction.

13 (C) Section 1205 of the National Defense Au-
14 thorization Act for Fiscal Year 1995 (108 Stat.
15 2883; 10 U.S.C. 5952 note), relating to multiyear
16 planning and Allied support for Cooperative Threat
17 Reduction.

18 (D) Section 1206 of the National Defense Au-
19 thorization Act for Fiscal Year 1996 (Public Law
20 104–106; 22 U.S.C. 5955 note), relating to account-
21 ing for United States assistance for Cooperative
22 Threat Reduction.

23 (E) Section 1307 of the National Defense Au-
24 thorization Act for Fiscal Year 2000 (Public Law
25 106–65; 113 Stat. 795), relating to a limitation on

1 use of funds for Cooperative Threat Reduction pend-
 2 ing submittal of a multiyear plan.

3 (2) Section 1312 of the National Defense Authoriza-
 4 tion Act for Fiscal Year 2000 (113 Stat. 796; 22 U.S.C.
 5 5955 note), relating to Russian nonstrategic nuclear arms,
 6 is amended—

7 (A) by striking “(a) SENSE OF CONGRESS.—”;

8 and

9 (B) by striking subsections (b) and (c).

10 **SEC. 1208. LIMITATION ON USE OF FUNDS FOR CONSTRUC-**
 11 **TION OF A RUSSIAN FACILITY FOR THE DE-**
 12 **STRUCTION OF CHEMICAL WEAPONS.**

13 Section 1305 of the National Defense Authorization
 14 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.
 15 794; 22 U.S.C. 5952 note) is amended to read as follows:

16 **“SEC. 1305. LIMITATION ON USE OF FUNDS FOR CHEMICAL**
 17 **WEAPONS DESTRUCTION.**

18 “(a) LIMITATION.—No fiscal year 2000 Cooperative
 19 Threat Reduction funds, and no funds appropriated for
 20 Cooperative Threat Reduction programs after the date of
 21 the enactment of this Act, may be obligated or expended
 22 for any fiscal year for the purpose of the construction of
 23 the Shchuch’ye chemical weapons destruction facility in
 24 Russia before the date that is 30 days after the Secretary
 25 of Defense certifies in writing to the Committees on

1 Armed Services of the Senate and the House of Represent-
2 atives for that fiscal year that each of the following condi-
3 tions has been met:

4 “(1) That the government of the Russian Fed-
5 eration has agreed to provide at least \$25,000,000
6 annually for the construction support and operation
7 of the facility to destroy chemical weapons and for
8 the support and maintenance of the facility for that
9 purpose for each year of the entire operating life-
10 cycle of the facility.

11 “(2) That the government of the Russian Fed-
12 eration has agreed to utilize the facility to destroy
13 the remaining four stockpiles of nerve agents, which
14 are located at Kisner, Pochep, Leonidovka, and
15 Maradykovsky.

16 “(3) That the United States has obtained
17 multiyear commitments from governments of other
18 countries to donate funds for the support of essen-
19 tial social infrastructure projects for Shchuch’ye in
20 sufficient amounts to ensure that the projects are
21 adequately maintained during the entire operating
22 life-cycle of the facility.

23 “(4) That Russia has agreed to destroy its
24 chemical weapons production facilities at Volgograd
25 and Novocheboksark.

1 “(b) TIMING OF CERTIFICATIONS.—The certification
 2 under subsection (a) for any fiscal year shall be submitted
 3 prior to the obligation of funds in such fiscal year for the
 4 purpose specified in that subsection.”.

5 **SEC. 1209. LIMITATION ON USE OF FUNDS FOR ELIMI-**
 6 **NATION OF WEAPONS GRADE PLUTONIUM**
 7 **PROGRAM.**

8 Of the amounts authorized to be appropriated by this
 9 Act for fiscal year 2001 for the Elimination of Weapons
 10 Grade Plutonium Program, not more than 50 percent of
 11 such amounts may be obligated or expended for the pro-
 12 gram in fiscal year 2001 until 30 days after the date on
 13 which the Secretary of Defense submits to the Committees
 14 on Armed Services of the Senate and House of Represent-
 15 atives a report on an agreement between the United States
 16 Government and the Government of the Russian Federa-
 17 tion regarding a new option selected for the shut down
 18 or conversion of the reactors of the Russian Federation
 19 that produce weapons grade plutonium, including—

20 (1) the new date on which such reactors will
 21 cease production of weapons grade plutonium under
 22 such agreement by reason of the shut down or con-
 23 version of such reactors; and

24 (2) any cost-sharing arrangements between the
 25 United States Government and the Government of

1 the Russian Federation in undertaking activities
2 under such agreement.

3 **TITLE XIII—NAVY ACTIVITIES ON**
4 **THE ISLAND OF VIEQUES,**
5 **PUERTO RICO**

6 **SEC. 1301. ASSISTANCE FOR ECONOMIC GROWTH ON**
7 **VIEQUES.**

8 (a) **AUTHORITY.**—The President may provide eco-
9 nomic assistance under this section for the people and
10 communities of the island of Vieques.

11 (b) **MAXIMUM AMOUNT.**—The total amount of eco-
12 nomic assistance provided under this section may, subject
13 to section 1303(b), be any amount up to \$40,000,000.

14 **SEC. 1302. REQUIREMENT FOR REFERENDUM ON CONTINU-**
15 **ATION OF NAVY TRAINING.**

16 (a) **REFERENDUM.**—

17 (1) **REQUIREMENT.**—The President shall, ex-
18 cept as provided in paragraph (2), provide for a ref-
19 erendum to be conducted on the island of Vieques to
20 determine by a majority of the votes cast in the ref-
21 erendum by the Vieques electorate whether the peo-
22 ple of Vieques approve or disapprove of the continu-
23 ation of the conduct of live-fire training, and any
24 other types of training, by the Armed Forces at the

1 Navy's training sites on the island on the conditions
2 described in subsection (d).

3 (2) EXCEPTION.—If the Chief of Naval Oper-
4 ations and the Commandant of the Marine Corps
5 jointly submit to the congressional defense commit-
6 tees, after the date of the enactment of this Act and
7 before the date set forth in subsection (c), their cer-
8 tification that the Vieques Naval Training Range is
9 no longer needed for training by the Navy and the
10 Marine Corps, then the requirement for a ref-
11 erendum under paragraph (1) shall cease to be effec-
12 tive on the date on which the certification is sub-
13 mitted.

14 (b) PROHIBITION OF OTHER PROPOSITIONS.—In a
15 referendum under this section, no proposition or option
16 may be presented as an alternative to the propositions of
17 approval and of disapproval of the continuation of the con-
18 duct of training as described in subsection (a)(1).

19 (c) TIME FOR REFERENDUM.—A referendum re-
20 quired under this section shall be held on May 1, 2001,
21 or within 270 days before such date or 270 days after
22 such date. The Secretary of the Navy shall publicize the
23 date set for the referendum 90 days before that date.

24 (d) REQUIRED TRAINING CONDITIONS.—For the
25 purposes of a referendum under this section, the condi-

1 tions for the continuation of the conduct of training are
2 those that are proposed by the Secretary of the Navy and
3 publicized on the island of Vieques in connection with, and
4 for a reasonable period in advance of, the referendum. The
5 conditions shall include the following:

6 (1) LIVE-FIRE TRAINING.—A condition that the
7 training may include live-fire training.

8 (2) MAXIMUM ANNUAL DAYS OF USE.—A condi-
9 tion that the training may be conducted on not more
10 than 90 days each year.

11 (e) PROCLAMATION OF OUTCOME.—Promptly after a
12 referendum is completed under this section, the President
13 shall determine, and issue a proclamation declaring, the
14 outcome of the referendum. The President’s determination
15 shall be final.

16 (f) VIEQUES ELECTORATE DEFINED.—In this sec-
17 tion, the term “Vieques electorate”, with respect to a ref-
18 erendum under this section, means the residents of the
19 island of Vieques, Puerto Rico, who, as of the date that
20 is 180 days before the date of the referendum, have an
21 electoral domicile on, and are duly registered to vote on,
22 the island of Vieques under the laws of the Commonwealth
23 of Puerto Rico.

1 **SEC. 1303. ACTIONS IF TRAINING IS APPROVED.**

2 (a) **CONDITION FOR EFFECTIVENESS.**—This section
3 shall take effect on the date on which the President issues
4 a proclamation under subsection (e) of section 1302 de-
5 claring that the continuation of the conduct of training
6 (including live-fire training) by the Armed Forces at the
7 Navy’s training sites on the island of Vieques on the condi-
8 tions described in subsection (d) of that section is ap-
9 proved in a referendum conducted under that section.

10 (b) **ADDITIONAL ECONOMIC ASSISTANCE.**—The
11 President may provide economic assistance for the people
12 and communities of the island of Vieques in a total
13 amount up to \$50,000,000 in addition to the total amount
14 of economic assistance authorized to be provided under
15 section 1301.

16 **SEC. 1304. REQUIREMENTS IF TRAINING IS NOT APPROVED**
17 **OR MANDATE FOR REFERENDUM IS VITI-**
18 **ATED.**

19 (a) **CONDITIONS FOR EFFECTIVENESS.**—This section
20 shall take effect on the date on which either of the fol-
21 lowing occurs:

22 (1) The President issues a proclamation under
23 subsection (e) of section 1302 declaring that the
24 continuation of the conduct of training (including
25 live-fire training) by the Armed Forces at the Navy’s
26 training sites on the island of Vieques on the condi-

1 tions described in subsection (d) of that section is
2 not approved in the referendum conducted under
3 that section.

4 (2) The requirement for a referendum under
5 section 1302 ceases to be effective under subsection
6 (a)(2) of that section.

7 (b) ACTIONS REQUIRED OF SECRETARY OF DE-
8 FENSE.—The Secretary of Defense—

9 (1) shall, not later than May 1, 2003—

10 (A) terminate all Navy and Marine Corps
11 training operations on the island of Vieques;
12 and

13 (B) terminate all Navy and Marine Corps
14 operations at Roosevelt Roads, Puerto Rico,
15 that are related to the use of the training range
16 on the island of Vieques by the Navy and the
17 Marine Corps.

18 (2) may relocate the units of the Armed Forces
19 (other than those of the reserve components) and ac-
20 tivities of the Department of Defense (including
21 nonappropriated fund activities) at Fort Buchanan,
22 Puerto Rico, to Roosevelt Roads, Puerto Rico, to en-
23 sure maximum utilization of capacity;

24 (3) shall close the Department of Defense in-
25 stallations and facilities on the island of Vieques

1 (other than properties exempt from transfer under
2 section 1305); and

3 (4) shall, except as provided in section 1305,
4 transfer to the Secretary of the Interior—

5 (A) the Live Impact Area on the island of
6 Vieques;

7 (B) all Department of Defense real prop-
8 erties on the eastern side of that island that are
9 identified as conservation zones; and

10 (C) all other Department of Defense real
11 properties on the eastern side of that island.

12 (c) ACTIONS REQUIRED OF SECRETARY OF THE IN-
13 TERIOR.—The Secretary of the Interior shall retain, and
14 may not dispose of any of, the properties transferred
15 under subsection (b)(4) pending the enactment of a law
16 that addresses the disposition of those properties.

17 (d) GAO REVIEW.—

18 (1) REQUIREMENT FOR REVIEW.—The Comp-
19 troller General shall review the requirement for the
20 continued use of Fort Buchanan by active Army
21 forces and shall submit to the congressional defense
22 committees a report on the review. The report shall
23 contain the following:

24 (A) FINDINGS.—The findings resulting
25 from the review.

1 (B) RECOMMENDATIONS.—Recommendations
 2 regarding the closure of Fort Buchanan
 3 and the consolidation of United States military
 4 forces to Roosevelt Roads, Puerto Rico.

5 (2) TIME FOR SUBMITTAL OF REPORT.—The
 6 Comptroller General shall submit the report under
 7 paragraph (1) not later than one year after the date
 8 of the referendum conducted under section 1302 or
 9 the date on which a certification is submitted to the
 10 congressional defense committees under section
 11 1302(a)(2), as the case may be.

12 **SEC. 1305. EXEMPT PROPERTY.**

13 (a) IN GENERAL.—The Department of Defense prop-
 14 erties and property interests described in subsection (b)
 15 may not be transferred out of the Department of Defense
 16 under this title.

17 (b) PROPERTIES DESCRIBED.—The exemption under
 18 subsection (a) applies to the following Department of De-
 19 fense properties and property interests on the island of
 20 Vieques:

21 (1) ROTHRSITE.—The site for relocatable
 22 over-the-horizon radar.

23 (2) TELECOMMUNICATIONS SITES.—The Mount
 24 Pirata telecommunications sites.

1 (3) ASSOCIATED INTERESTS.—Any easements,
2 rights-of-way, and other interests in property that
3 the Secretary of Defense determines necessary for—

4 (A) ensuring access to the properties re-
5 ferred to in paragraphs (1) and (2);

6 (B) providing utilities for such properties;

7 (C) ensuring the security of such prop-
8 erties; and

9 (D) ensuring effective maintenance and op-
10 erations on the property.

11 **SEC. 1306. MORATORIUM ON IMPROVEMENTS AT FORT BU-**
12 **CHANAN.**

13 (a) IN GENERAL.—Except as provided in subsection
14 (b), no acquisition, construction, conversion, rehabilita-
15 tion, extension, or improvement of any facility at Fort Bu-
16 chanan, Puerto Rico, may be initiated or continued on or
17 after the date of the enactment of this Act.

18 (b) EXCEPTIONS.—The prohibition in subsection (a)
19 does not apply to the following:

20 (1) Actions necessary to maintain the existing
21 facilities (including utilities) at Fort Buchanan.

22 (2) The construction of reserve component fa-
23 cilities authorized before the date of the enactment
24 of this Act.

1 (c) TERMINATION.—This subsection shall cease to be
2 effective upon the issuance of a proclamation described in
3 section 1303(a).

4 **SEC. 1307. PROPERTY TRANSFERRED TO SECRETARY OF**
5 **THE INTERIOR.**

6 (a) TRANSFERS REQUIRED.—Not later than Sep-
7 tember 30, 2005, the Secretary of Defense shall, except
8 as provided in section 1305, transfer to the Secretary of
9 the Interior all Department of Defense real properties on
10 the western part of the island of Vieques that are identi-
11 fied as conservation zones.

12 (b) ADMINISTRATION OF PROPERTIES AS WILDLIFE
13 REFUGES.—The Secretary of the Interior shall administer
14 as wildlife refuges under the National Wildlife Refuge Sys-
15 tem Administration Act of 1966 (16 U.S.C. 668dd et seq.)
16 all properties transferred to the Secretary under this sec-
17 tion.

18 **SEC. 1308. LIVE IMPACT AREA.**

19 (a) RESPONSIBILITY FOR LIVE IMPACT AREA.—
20 Upon a termination of Navy and Marine Corps training
21 operations on the island of Vieques under section 1304(b),
22 and pending the enactment of a law that addresses the
23 disposition of the Live Impact Area, the Secretary of the
24 Interior shall assume responsibility for the administration

1 of the Live Impact Area and deny public access to the
2 area.

3 (b) LIVE IMPACT AREA DEFINED.—In this title, the
4 term “Live Impact Area” means the parcel of real prop-
5 erty, consisting of approximately 900 acres (more or less),
6 on the island of Vieques that is designated by the Sec-
7 retary of the Navy for targeting by live ordnance in the
8 training of forces of the Navy and Marine Corps.

Calendar No. 544

106TH CONGRESS
2D SESSION

S. 2550

A BILL

To authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

MAY 12, 2000

Reported from the Committee on Armed Services, under authority of the order of the Senate of May 11th, 2000, the following original bill; which read twice and placed on the calendar